

HOUSE OF REPRESENTATIVES—Thursday, April 11, 1991

The House met at 12 noon.

The Reverend Monsignor John J. Murphy, former pastor, St. Joseph's Church, Capitol Hill, Washington, DC, offered the following prayer:

Our Father, who art in Heaven—take us into Thy gracious presence—and

Make us special instruments of Thy speech.

May our words be spiritually measured with thoughts of Thee, this day and every day—words, reflecting the depths of Thy love for the whole human family. Let us speak caringly of those most neglected.

May our words and our actions be spiritually measured this day. So as to reflect the glorious heights of Thy vision as well as the depths of Thy happiness.

Inspire us with a faith empowering us to make a difference.

Guide our actions throughout this day and make us, O Lord, worthy instruments of Thy speech—on Earth as it is in Heaven. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Colorado [Mrs. SCHROEDER] please come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF MONSIGNOR JOHN J. MURPHY

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I take great pleasure in welcoming our guest chaplain Msgr. John J. Murphy, an old friend and a native of my hometown, Boston. Just this week Monsignor Murphy retired as pastor of St. Joseph's Church on Capitol Hill where he had served for 10 of his 36 years of total service to the church of Washington.

Monsignor received his call to the ministry while serving as a ski trooper

in the Italian Alps during World War II. During his long ministry in the Nation's Capital he spent 14 years at the Basilica of the National Shrine of the Immaculate Conception, 7 years as assistant director, and 7 years as the director.

James Cardinal Hickey, archbishop of Washington, agreed to Monsignor's request for assignment to St. Joseph's on Capitol Hill, which had suffered the decline so typical of inner city parishes. Through his vigorous program of restoration and renewal, Monsignor Murphy returned St. Joseph's to vitality, to a strong spirit of community, and truly made the church what he likes to describe as a "holy space on this holy hill."

Retirement does not include a rocking chair. He has no time for that. Monsignor will live most of the year in Venice, FL, where he will lead retreats, provide counseling and pursue his writing on spirituality and his years at the national shrine. He will charge his batteries for 2 months each year in Ireland, the land of his ancestors, and spend a month each year in Washington among his many friends.

On behalf of the Hill community, I want to thank Monsignor Murphy for his life of service and wish him God's blessing in his new endeavors.

INTRODUCING LEGISLATION REGARDING PREVENTIVE HEALTH CARE SERVICES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I am joined by the distinguished chairman and ranking minority member of the Select Committee on Aging, along with over 60 Members of the House, in introducing legislation to require Medicare to consider coverage of preventive health care services to the elderly.

Clearly, the successes of such tests have been repeatedly demonstrated. For example, the control of high blood pressure is seen as one of the most effective ways for reducing death rates from heart disease and stroke. Since 1978 the death rate from heart disease has fallen 10 percent, the death rate from stroke has fallen 25 percent.

Despite similar studies revealing how certain preventive health tests can significantly improve the quality and length of life in such diseases as colon, cervical, and breast cancer the Govern-

ment continues to refuse to reimburse for these treatments.

Our bill includes payment by Medicare for colon cancer screening examinations, serum cholesterol, blood pressure, basic screening exams for vision/hearing loss, and basic mental health screening tests. Each proposed benefit is to be reviewed for its effectiveness as part of a trial program in various States and communities before being expanded to a nationwide basis.

It is important to note that the measure will not result in any new authorization or appropriation. In fact, Medicare could realize a cost savings.

I hope Members will join in supporting this important measure.

APPOINTMENT AS MEMBERS TO REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICES

The SPEAKER. Pursuant to the provisions of rule LI, 102d Congress, the Chair appoints to the review panel of the Office of Fair Employment Practices the following elected officers of the House of Representatives: Mr. Donald K. Anderson, Clerk; and Mr. James T. Molloy, Doorkeeper.

APPOINTMENT AS MEMBERS TO CIVIL WAR SITES ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of section 1205(a)(4) of Public Law 101-628, the Chair appoints the following individuals to the Civil War Sites Advisory Commission on the part of the House:

Mr. ROBERT J. MRAZEK, of New York; Mr. D. FRENCH SLAUGHTER, Jr., of Virginia; and

Ms. Mary Frances Berry, of Washington, DC.

APPOINTMENT AS MEMBER TO BOARD OF TRUSTEES OF THE AMERICAN FOLKLORE CENTER IN THE LIBRARY OF CONGRESS

The SPEAKER. Pursuant to the provisions of section 4(b) of Public Law 94-201, the Chair appoints from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House Mrs. Lindy Boggs, of New Orleans, LA.

CONCERN FOR POLICE FAMILIES

(Mrs. SCHROEDER asked and was given permission to address the House

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think this House has a lot to be proud of in what we have done for military families. I think as we talk to families coming back from the Persian Gulf, we see how the family policies really did make a difference, and of course there is more to do.

However, I think as we look at this crime bill, we have to realize there has been a tremendous oversight in the last 10 years, and that is, dealing with our police families. They are under incredible stress. If we look at the total voice of concern about the personnel part of the war on crime, we realize we really have had a massive oversight. I certainly hope as we look at this crime bill, we try and figure out a way to crank in and catch up.

Any Member can talk to any police chief in America, and they will tell everyone how very concerned they are about the stress level within their force, and what it is doing to their divorce rate, and what it is doing to their families. They protect everyone. I think that is one thing that this crime bill must include this time. It cannot just be equipment, and focus on the victims. Let Members focus on the families, too.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK 1991 AND 1992

(Mr. MORRISON asked and was given permission to address the House for 1 minute.)

Mr. MORRISON. Mr. Speaker, I am pleased today to have the honor of continuing a venerable tradition. For almost a decade I have been privileged to offer a resolution establishing National Organ and Tissue Donor Awareness Week. This year I am particularly pleased to be joined by the distinguished gentleman from Tennessee [Mr. GORDON] in introducing this bill.

National Organ and Tissue Donor Awareness Week provides respected organizations with an opportunity to reach out and explain the importance of pledging to become an organ donor. Although it is difficult to consider our own mortality, the need for donors is clear: every 30 minutes another person joins 22,000 others already waiting anxiously for an organ transplant. By encouraging people to take a few seconds to sign a donor card and—most importantly—to share this decision with their family, thousands of lives are saved every year. Amazingly enough, up to 300 folks can benefit from a single donor.

On behalf of the folks and their families who are waiting I would like to thank the more than 218 of my colleagues who have become cosponsors and are helping all Americans to "make a miracle."

□ 1210

DEMOCRATIC BUDGET MEETS AMERICA'S NEEDS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, in the Budget Committee the other day some of my colleagues on the Republican side of the aisle claim that the Democratic budget just fooled around the edges a little bit, was not that much different from the President's budget.

Well, around the edges, I might say that what the Democratic budget does and will be voted on next week in this House is to give the edge to working Americans and to the strapped middle class.

Look at highways, for instance. Everybody is sick and tired of sitting in choked rush hours. We put \$1 billion more in highways this year, \$2 billion next year, a significant improvement over what the President recommended.

Look at energy, where the President proposed cuts. The Democratic budget shifts money around so that there is \$800 million for the important alternate fuel vehicle and for solar research, for fossil fuel research, and for clean coal technology.

Look at education. We reject the President's cuts in the student loan and Pell grant programs, so important to working Americans.

Finally, look at health, where we reject categorically the Medicare cuts and instead shift money so that there can be funding for the National Health Service Corps and other health initiatives.

This Democratic budget, yes, it gives the edge to working people. It begins to build. It begins to exercise some important decisions in health care. It begins to provide education to the middle class. There is a strong edge here to the Democratic budget, and I urge my colleagues to support it next week.

COMMON SENSE IN THE CONGRESS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, there is no doubt that the action in the Persian Gulf for the last several months has been the most important matter before this Congress and before the people of this country; however, now that we are making a settlement in the Middle East in working toward resolving those problems, we move into other topics.

I am persuaded that the basic element most often missing in congressional and agency action is common sense.

I assume most of us in Congress had a fairly normal dose of common sense

when we came here, but collectively, Congress seems to have abandoned reasonableness in its many actions and initiatives.

Who could defend the absurd necessity of spending a half a million dollars to restore Lawrence Welk's home, or a study of gas flatulence in livestock, or fining a small businessman \$5,000 for not having a seatbelt on a front-end loader? All these things were done in the last session, amidst all the hemming and hawing about budget reform.

During the past 2 weeks, people on Main Street in Wyoming cannot believe some of the collective comedy that comes from this place; but there is nothing funny about public servants wasting taxpayers' money.

I really do not know if there is something in the water, or maybe it is the herd syndrome, or what affects our judgment. Maybe it is the process, the bundling and giant reconciliation packages. In any event, I intend in a series of 1-minutes during the next weeks to bring some of these beauties to our attention. If it will not play in Powell or Peoria, why should it play here?

EDUCATION AND THE DEMOCRATIC BUDGET

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I rise today in support of the Democratic budget resolution that comes before the House next week. This is a budget resolution that puts our priorities in the right place, addressing the real needs of Americans while laying a foundation for economic growth.

In fact, this budget resolution is truly an education resolution. It will help middle-class families realize the dream of higher education for their kids by protecting Federal student aid programs from the Draconian cuts recommended by the administration.

The administration has recommended drastic cuts in student financial aid for fiscal year 1992, effectively cutting assistance to more than 1 million students. The administration recommended especially deep cuts in the Pell Grant Program, forcing almost 350,000 students from this program next year.

But the Pell Grant Program is not a program for the rich. It's families earning \$20,000 or \$25,000 a year who rely on Pell grants to help finance their children's education. It is these families who have borne the brunt of financial aid cuts over the last decade, and it is these families who are being increasingly squeezed by the cost of higher education. It is these families who would suffer under the budget proposal of our self-styled Education President.

This is unacceptable. The middle class has borne more than its share of the financial burden in the last decade, and their children should not have to bear this burden as well. That's why the Democratic budget resolution rejects those cuts and provides additional resources for the Pell Grant Program, elementary and secondary education, and other areas of educational need.

Education is an investment in our children's future. It is also an investment in our country's economic competitiveness, an investment in our future. It is an investment that we cannot afford to ignore. I urge my colleagues to support the Democratic budget resolution next week.

THE ALTERNATIVE OF ADOPTION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, adoptions, especially unrelated domestic adoptions, have declined dramatically in the United States during the past two decades, a fact that is both tragic and unnecessary.

In 1970, for example, there were almost 90,000 unrelated domestic adoptions, but today it is estimated there are only about 50,000 annually. A number of factors can be cited, persistent misinformation and negative opinions concerning adoption, adoption is not sufficiently promoted and the dramatic increase in abortion on demand. There are now 30 abortions for every adoption in the United States.

Mr. Speaker, it requires a tremendous amount of courage, selflessness and a special love of children for a birth mother to make an adoption plan for her child. The heroism required of the birth mother in making such a step should not be overlooked or trivialized or minimized. These mothers deserve our deepest respect, our support and all the tangible assistance a compassionate society can possibly provide.

Mr. Speaker, research indicates that those women who choose to make an adoption plan for their kids will be less likely to live in poverty, more likely to complete high school and less likely to have additional unintended pregnancies.

Today, Mr. Speaker, I am introducing, along with 40 Members of the House from both sides of the aisle, a very comprehensive piece of legislation, the Omnibus Adoption Act of 1991. It includes a substantial tax credit, education grants and fellowships that promote adoption, provision for Federal employee and military health insurance, maternity housing and health certificates for women and for prenatal care.

I urge my colleagues to take a look at this legislation. I will put a more de-

tailed analysis in the Extensions of Remarks, and I urge cosponsorship of this legislation.

BUTTER VERSUS BOOKS BUDGET

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, the future of our Nation rests with our young people. They are the best resource we have and if we shortchange their education, we shortchange our own future.

Last year's budget resolution guaranteed that we would not have a guns versus butter debate this year. Unfortunately, the administration's budget proposal has given us butter versus books.

That is a choice we should not have to make. And it is a choice we, as a nation, cannot afford to make.

The President's budget proposes that we take student loans away from middle-income families in order to fund loans for lower income families.

The overwhelming majority of families in America need help with the escalating costs of higher education. The President's budget would rob Peter to educate Paul.

The families who will lose out under this proposal are those with a family income of around \$25,000 a year. College tuitions are climbing to \$20,000 and beyond and it does not take a math major to see that all but the wealthiest families need help.

It does no good to increase our spending on space programs if our students do not have the basic math and science skills they need to work for NASA. The worst thing we could do is set spending priorities that result in smart bombs and dumb kids.

A STRONG RECORD OF SAFETY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, one word seems to sum up the recent victory of American armed services in the Persian Gulf, that word is commitment. It was through our commitment to the people of Kuwait which brought about their liberation.

Mr. Speaker, today I rise to commend a company for their commitment, a commitment to providing a safe workplace for their dedicated and hard working employees. The CSX Corp. in just the first month of 1991 has managed to reduce injuries by 53 percent.

Through a seven-point safety process, CSX has managed to implement a strong record of safety in both the workplace and the home. In fact, CSX was recently recognized by the National Safety Council for the safety

programs it has devised in both these areas.

The accomplishments of CSX Corporation has not been the work of just one individual, rather it has been a company effort; both management and workers have joined hands together to work to improve safety conditions. This partnership has enabled CSX to become one of the safest railroads in the Nation.

In an age where making money is the bottom line, safety is a commodity which is sometimes overlooked. But that is not the motto of the CSX safety division; let me quote one of the division's mottos:

No job is so important, no service so urgent, that we cannot take the time to perform all work safely.

Mr. Speaker, again I want to congratulate the men and women at CSX for joining together to strive to make their workplace, and their community, a better place to work and live. I would urge other companies and corporations to follow the example of CSX and make safety a No. 1 priority.

□ 1220

THE DEMOCRATIC BUDGET AND COMPETITIVENESS

(Mr. DOOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLEY. Mr. Speaker, I rise today in support of the budget priorities set forth in the Democratic blueprint of Chairman PANETTA and his committee.

It is particularly important that this budget plan stays within last fall's hard-fought agreement while at the same time investing in an American future that will keep us competitive with the rest of the world.

My constituents back home in central California are realizing that the winner of the 40-year arms race between the United States and Soviet Union was Japan, which invested its resources wisely to become a leading economic power.

I am pleased to see in this budget blueprint a high priority placed on programs that ensure that America maximizes its resources. I'm talking about programs that ensure that America is competitive in the world economy; that ensure that all Americans are safe; that ensure that all Americans can get an education; and that ensure that all Americans have equal access to high-quality health care.

That's maximizing our resources.

With our actions in the Persian Gulf, we have proved that we are the preeminent military power in the world. But if we are to ensure that we are the preeminent economic power in the world, then we're going to have to

make a fair, disciplined investment in our future.

The Democratic budget makes that investment. It offers the kind of fair investment that all hard-working Americans want to see. They have every right to be safe, to be educated, to be healthy, and to be competitive.

Let us give them that future.

OPEN DIALOG IN YUGOSLAVIA

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, this morning, my distinguished colleague, GERALD KLECZKA, and I are introducing a sense-of-Congress resolution concerning the current crisis in Yugoslavia.

The transition from communism to democracy is not an easy one, and the Yugoslavian situation reflects some of the difficulties that mark that path.

Many of us were disturbed to see the rioting scenes and the use of military weapons in Belgrade and elsewhere in Yugoslavia. We are also saddened at the deaths that occurred. Considerable turmoil has been underway for many months in the republics of both Croatia and Serbia, as the people are grasping for their freedoms and democracy. However, there is still a long way to go as the ethnic groups struggle for what they feel are their rights.

The resolution we are introducing today urges the Yugoslav Federal Government, as well as each of the six constituent republican governments, to recognize the legitimate rights of all citizens and their rights to express themselves politically and to play a role in the shaping of a 21st-century Yugoslavia.

It is my hope that these changes one day soon will become a reality to the Federal Republic of Yugoslavia.

LET US NOT EXPORT ANY MORE AMERICAN JOBS TO MEXICO

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I rise today in strong opposition to the extension of fast-track authority for the proposed United States Free-Trade Agreement with Mexico.

Only yesterday, Ford Motor Co. announced that it plans to move 209 more jobs from one of its plants in my home State of Michigan to a plant in Mexico.

In my own town of Flint, MI, we have already seen many auto jobs exported to Mexico without a free-trade agreement. If this is any indication of what a free-trade agreement would encourage, I want no part of it.

These jobs go to a country with little environmental protection, poverty

wages, and dismal health and safety standards.

Trade agreements are supposed to promote trade that benefits this country and its people, not export jobs.

Mr. Speaker, we do not need—and we cannot afford—any agreement that opens the door to fewer jobs in our own country.

I urge all my colleagues not to give up their congressional duty of representation before they see what will be negotiated. I urge you not to approve a fast-track extension.

WE NEED TO BRING OUR MEN AND WOMEN IN UNIFORM HOME

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I supported the President's request to allow the use of force in the Middle East. I have been very complimentary to the President and our military leadership all along. I have not tried to second guess or criticize after the fact the decision not to extend the war farther into Iraq and attempt to get Hussein.

But I do think, now that the fighting has ended, that the military bureaucracy has moved far too slowly in bringing our troops home. Many small towns and rural areas have been hit very hard by the loss of many National Guardsmen and reservists.

Tellico Plains, a small town of 1,000 in east Tennessee, one of the towns I represent, has 18 men in the Middle East. We still at this date have brought home only a little over 10 percent of our troops. This Nation is broke; we are over \$4 trillion in debt. We are presently losing roughly \$1 billion a day just at the Federal level. We simply cannot afford to maintain a large force in the Middle East for a long period of time. We need to bring almost all our troops home now, active and reserve, but we should give priority to getting our National Guardsmen and Reserve troops home immediately so that so much of our local economies and community life will not continue to be disrupted.

Our men and women in uniform have done a great job; now we need to bring them home.

BRADY BILL: WE SHOULD SUPPORT A 7-DAY WAITING PERIOD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when a rabbit takes 30 rounds to the head and still does not die, what is a hunter going to do without a bayonet? When this crafty old deer hides in this thicket of brush, what is a hunter going to do without a grenade launcher?

Now, Congress, to a degree, started to deal with these issues when we passed the cop killer bullet bill because Congress finally realized that groundhogs do not wear flak jackets.

Mr. Speaker, I am a former sheriff. I strongly support the second amendment and the right to own a gun. But there is no second amendment privilege for any American to strap a Stinger missile to his back and hunt duck.

Let me say this: If Congress cannot pass a simple 7-day waiting period, then our Government is incapable and unqualified to deal with the domestic problems that face this Nation.

The Brady bill is a step in the right direction. We have bought an awful lot of \$5,000 toilet seats; it is time now for Congress to either sit on one or get off the pot.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Our guests in the gallery are reminded that we are happy to have them, but they are to refrain from responding to any comments made on the floor.

DIFFERENCES BETWEEN THE PRESIDENT'S BUDGET AND THE DEMOCRATS' BUDGET

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, as we get into the debate on the budget differences between the President's budget and this recently offered Democratic budget, several months after the President offered his, I would remind some of my colleagues as to why the President has a 90-plus percentage rating in the polls, and that is, he tends to speak honestly and does not deal in narrow, narrow divisive partisan games.

If you will take a look at the President's budget and the Democrats' budget, there is a 1-, 2-, and 3-cent-per-dollar difference in various areas. But, frankly, we have already heard the phrase today and we will hear it over and over again, "Rob Peter to pay Paul."

More and more, the discretionary and entitlement areas, "Paul" is a wealthy retired person and "Peter" is an 8-year-old who goes to bed hungry at night.

In the Democrat budget, they refuse to accept the President's attempt to limit the subsidy under Medicare for those people over \$125,000 a year. Currently, it is about \$1,100 a year. The President wanted to reduce that subsidy to \$300, and the Democrats have said no. They want to keep the subsidy for "Paul."

Let us talk about "Peter" more often than "Paul" and, please, when you give

me the rhetoric about where you are putting the money, remember the President increased the women, infant, and children feeding program, increased education, increased a number of areas that you are now saying by \$10 million or \$50 million on top of that you are the folks who are interested in women, infants, and children, and not the President; it is rhetoric.

If you will take a closer look at his behavioral profile, perhaps you will go up in the polls as well.

W. DONALD GRAY: 30 YEARS OF FERRETING OUT WASTE

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, I rise today to give special recognition to W. Donald Gray, chief investigator of my Subcommittee on Environment, Energy and Natural Resources, who is retiring from the Congress after 30 years of public service.

All too often we fail to give credit to the dedicated staff who have worked long hard hours for many, many years to help preserve the history and tradition of this great institution and who provide the expertise that is necessary for us to develop national policies and oversee their implementation. Today, it is bittersweet for me to take the floor to pay tribute and say goodbye to one individual who has contributed so much to both the House and Senate throughout his long and very distinguished career.

For the last 30 years, Don Gray has served as an investigator for a number of key committees in the House and the Senate, including the House Government Operations Committee, the Senate Governmental Affairs Committee, Senate Appropriations Committee, and the Senate Commerce Committee. In fact, much of the investigative work performed by Don over the years reads like a "Who's Who" of congressional oversight investigations over the last three decades. Don's investigative work has made significant contributions to policy reforms in many important areas. Whether it be problems relating to FDA's testing of new drugs; organized crime; the DOD's inadequacies with respect to cleaning up hazardous waste at its facilities; or contracting fraud, Don's work has been exceptional. Importantly, Don has remained forward-looking with a strong vision and sense of those policy areas that most deserve congressional review. He has continually identified issues that are of paramount importance to the Congress and to the Nation.

Perhaps the greatest tribute to Don's professionalism, in fact a hallmark of Don's career, is the fact that individuals at the very agencies that Don has had responsibility for overseeing har-

bor a great deal of respect and affection for him. Indeed, the Comptroller General of the United States, head of the investigative arm of the Congress, has commended Don on the importance of his work, and leaders of the investigative teams at other agencies who have worked with Don were anxious to pay tribute to his many accomplishments throughout his career on the Hill.

It is important also to note that Don has never forgotten the people that we are here to serve. I can attest to Don's having spent many late nights trying to assist individuals from around the country, involving problems often brought to our attention by other Members. For instance, just last year, Don conducted an investigation involving DOD's sales of hazardous materials that ended up with a site located in Collinsville, CA, in Representative VIC FAZIO's district, having to be put on the Superfund list. In fact, the problem of these sales of surplus materials was so serious that my subcommittee held a hearing on the matter, following which DOD promised to make significant changes in its program for disposing of these hazardous materials. While I mention just this one example, there have been many, many more areas where Don's work has resulted in agency reforms. To the people in those districts whose lives have been affected by these special problems, these smaller field investigations may have been some of the most important work Don ever did.

Mr. Speaker, this institution is fortunate because we will not lose the benefit of Don's expertise. He will be moving on to be director of water programs at the Environment and Energy Study Institute. I have no doubt that Don will make a significant contribution to a variety of policy areas to that esteemed organization. While we are all saddened to see Don leave Capitol Hill, I wish him good luck and Godspeed in his new position. I want to thank him for his friendship and for the contribution that he has made to this great institution and to the Nation.

□ 1230

SECRETARY SULLIVAN'S NOMINATION TO THE BASEBALL HALL OF FAME

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, the Most Valuable Player Award in the opening days of the baseball season clearly goes to Louis W. Sullivan, shortstop and power hitter for the Department of Health and Human Services. Secretary Sullivan showed Hall of Fame skill in pitching and fielding when he took on the dreaded tobacco lobby early in the season.

When the tobacco boys pitched their malarkey about not trying to sell cigarettes to kids, Secretary Sullivan hit it out of the park when he pointed out that tobacco advertising at sporting events is aimed directly at our children. When the tobacco lobby protested that they are just in the business of giving the public a choice, Secretary Sullivan fielded that charge and reminded the tobacco boys that it is immoral in a civilized society to promote a product which, when used as intended, causes death and disability.

Mr. Speaker, tobacco advertising at sporting events is clearly unsportsmanlike. Now will the owners of the sports teams and the players have the courage to throw out the chowers, and the spit- ters and the tobacco deadly advertising out the ball park, or will the tobacco boys and their millions of dollars continue to make them all look like bush leaguers?

INTRODUCTION OF LEGISLATION URGING PEACEFUL SETTLEMENT OF THE CONFLICT IN YUGOSLAVIA

(Mr. KLECZKA asked and was given permission to address the House for 1 minute.)

Mr. KLECZKA. Mr. Speaker, with Yugoslavia on the brink of civil war, we cannot remain silent and watch the bloodshed. We must send a message to the great people of Yugoslavia and their leaders. This message is that we encourage democracy and free markets, and we denounce the use of force by any group.

Today, my good friend Mrs. BENTLEY and I are introducing legislation which does just that. Our resolution calls for four things in Yugoslavia. First, an end to the bloodshed. It condemns the use of force by any group to silence their opposition.

Second, inclusion. It urges the leaders of the Republics and the members of the federal presidency to include all ethnic groups in discussions about the future makeup of their nation.

Third, open dialog. It urges the leaders of each Republic to tolerate opposing viewpoints in a democratic fashion.

Fourth, progress. It encourages the adoption of democracy and free-markets in Yugoslavia.

Mr. Speaker, I urge my colleagues to join us in calling for a peaceful and democratic settlement of the conflict in Yugoslavia by cosponsoring our resolution.

NO TIME TO WASH OUR HANDS OF THE KURDS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the national news last night was a dark reminder of the terror and tragedy that is the aftermath of Iraq's invasion of Kuwait.

While we negotiate a cease-fire and request hostilities against the Kurds cease, while humanitarian aid arrives on Iraq's borders in a fashion far less efficient than sending thousands of troops to that area, while all this happens, children are dying in their parents' arms.

It was Edmund Burke who said, "The only thing necessary for triumph of evil is for good men to do nothing." I suppose something is being done, but like so many who have read and seen the horrors perpetuated against a people, we would paraphrase Burke and say, "The only thing necessary for the triumph of evil is for men and women to do too little, too late."

The Kurds are apparently not a priority on this administration's agenda. I am not certain what we should do. I am certain something dramatic must be done or we will see the extinction of a religious minority in that part of the Middle East.

The killing of people because of their religion is not new to this world. The slaughter of innocents is not new to history. Evil is not new.

Surely we can act in some way to alter the course of this horror. Surely, Mr. President, you can give the same organization and commitment to saving the Kurds that we gave to saving Kuwait.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their comments to the Chair.

NATIONAL ACADEMY OF SCIENCES' REPORT ON GLOBAL WARMING

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, I would like to call the attention of our colleagues to the report yesterday from the National Academy of Sciences on the issue of global warming. Basically what this report has done is to confirm the critical need for us in the Congress and in the Federal Government to enact measures that will help encourage energy efficiency and conservation in this country, and indeed it points out that at no cost, or at very little cost, or certainly with cost-effective measures, we can have a major impact on the reduction of greenhouse gas emissions. Between 10 and 40 percent can be reduced, if we will only have the will to act.

The President has come forward with a number of proposals on the energy front, and we intend to consider them very seriously in this Congress, but where they are deficient is precisely in the area the National Academy of Sciences said we should be most sufficient and most acting, and that is in the area of energy efficiency and energy conservation. Mr. Speaker, we can do more in our auto sector, we can do more in electric lighting, we can do more in electric motors and other products that consume so much of the energy of this country. We can indeed do that in a way that pays off for this country in terms of economic competition, pays off for our consumers and pays off for us environmentally.

CONGRESS NEEDS TO TAKE FURTHER ACTION TO PROTECT YOUNG PEOPLE IN CHINA AND TIBET

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, Tuesday, Chinese Prime Minister Li Peng not only defended his government's massacre of prodemocracy demonstrators in Tiananmen Square, but also said that the Chinese Government would continue to use force to stop democracy demonstrations. Mr. Li went on to say that the Government would never release a list of those people who were killed in the protests.

Mr. Speaker, this body has, on several occasions, spoken out overwhelmingly against the Chinese Government for its bloody crackdown in June 1989 and for the repression that continues today in China and Tibet. We have voted to protect Chinese students, we have supported human rights in Tibet, we have voted to condition most-favored-nation status on improvements in human rights.

Mr. Speaker, the Chinese Government has continued to defend its use of brutal force to quiet dissent. It has systematically condemned prodemocracy leaders to extended jail terms. It has used forced labor production and trade barriers to widen its trade surplus with the United States.

Clearly, Mr. Li's remarks highlight the need for Congress to take further action to protect those young people in China and Tibet who carry the torch of democracy. Legislation will soon be introduced conditioning MFN with China on an improvement of human rights. Given continued Chinese intransigence, I urge my colleagues to give the bill their support.

THE PROS AND CONS OF PROPOSED FREE TRADE AGREEMENTS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we in the United States have seen over a decade of slippage in the standard of living of innumerable middle income families as well as low income families. We have seen an erosion in the strengths of many basic industries, including high-technology industries. So the question must be, how would a North American free trade agreement fit into this picture?

I returned from Mexico last week convinced that there is both potential promise and peril in such negotiations. Procedure should be the servant of policy, not its master. Unlike GATT, a North American free trade agreement would involve a few nations, not over 100, and a major integration of two sets of economies at very different levels of development, not just more trade.

That is why any abstract procedures from Mexico must be shaped to the particular circumstances and should provide, first, that congressional concerns and objectives, as well as those of the administration, should be laid out in advance; second, mid-course reviews should be provided between the administration and Congress; and third, Congress should reserve the right in advance to look separately at the very major parts of any agreement to see if the administration has responded to the stated concerns and objectives. Congress should not be able to nit-pick any agreement, but we should not be told simply to take it or leave it. We must be an active party in the negotiations. The issue of economic growth demands it.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL 8 P.M. TOMORROW, FRIDAY, APRIL 12, 1991, TO FILE PRIVILEGED REPORT ON CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1991 THROUGH 1996

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until 8 p.m. tomorrow, Friday, April 12, 1991, to file a privileged report on the concurrent resolution on the budget for fiscal years 1991 through 1996.

Mr. Speaker, this request has been cleared with the minority side of the Budget Committee.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

ORGAN DONOR AWARENESS WEEK

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, today, the gentleman from Washington [Mr. MORRISON] and I are introducing a resolution that may be a lifesaver for many Americans. This resolution will designate the third week of April as Organ Donor Awareness Week.

The importance of this bill to encourage organ donation cannot be overstated. It is literally a matter of life and death for thousands of people.

I visited the organ transplant program at Vanderbilt University's Medical Center and met with men and women who face certain death without a transplant. Death for these people is not a vague possibility. It is coming soon and it has a timetable.

There may be as many as 20,000 potential organ donors this year who could provide the gift of life for the 19,000 needy individuals on waiting lists for organs. Yet, less than one-fourth of these potential donors will have organs donated.

The only solution is to increase public awareness about the benefits of organ donation. That is what Organ Donor Awareness Week will do. I urge all of my colleagues to support this resolution. It's the gift of life.

GENERAL SCHWARZKOPF SELECTED AS GRAND MARSHAL OF KENTUCKY DERBY FESTIVAL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today the House will take up the bill, S. 534, to grant a Congressional Gold Medal to Gen. H. Norman Schwarzkopf for his valor in the way he conducted Operation Desert Storm. Soon thereafter we will take up another bill to provide a gold medal for Gen. Colin Powell. Both medals are well-earned.

This is propitious, particularly with respect to General Schwarzkopf, because just yesterday it was announced that the general will be the parade marshal at the annual Kentucky Derby Festival Pegasus Parade, which is to be held in my hometown of Louisville, KY.

Actually, the excitement level of Derby Week should be raised by having General Schwarzkopf with us. The theme of the event, which had already been selected, is to show honor and commitment to America's veterans, not just of Operation Desert Storm but of all our wars.

We offer our congratulations to Dan Mangiot, who is the president of the Kentucky Derby Festival, to Dave Higgins, and to Tom O'Hearn, who helped pull this off.

The Kentucky Derby, as we all know, is the biggest event in thoroughbred horseracing. It happens also to be one of the biggest events in all sports. It takes exactly that kind of a big event to properly showcase the big talents and the big contributions of Gen. "Stormin' Norman" Schwarzkopf. We are looking forward to having him in our community.

THE WORKING SENIORS EQUITY ACT

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I rise today to urge my colleagues to support the Working Seniors Equity Act of 1991. This legislation, which I have introduced today, would exempt persons over the age of 65 years who continue to work, and who do not collect any Social Security benefits from paying the Federal Insurance Contributions Act tax.

More and more individuals over retirement age knowingly choose to continue working full time because they need or want to. Many are self-employed and are dedicated to the continuance of their businesses.

Current law does not allow senior citizens to work while collecting Social Security benefits unless their earnings fall under the cap of the earnings test of \$9,720 a year. Those who chose to work, postpone their receipt of Social Security benefits but irreconcilably continue to be taxed upon their earnings. This is an inequity which should be corrected, unless we mean to only give lip service to the idea that seniors should be encouraged to continue working if they want to.

Not drawing on their Social Security benefits should be recognized as a contribution and those earnings received after 65 should not be taxed under FICA.

The Working Seniors Equity Act will give working seniors recognition by allowing them to be exempt from paying Social Security taxes on their earnings. It must be noted that these earnings, since not taxed under FICA, would not be used to compute their Social Security benefits when they retire. The benefits computation would be based on a person's earnings record up to age 65. By the same token, decreasing earnings after age 65 years would not prejudice the benefits calculation. However, seniors who are still at the height of their earning potential would have under this bill the option of continuing to pay the FICA tax, so that their earnings could be used to further compute their benefits.

Mr. Speaker, it is time that we make more equitable the FICA tax policy and free from taxation seniors who after reaching age 65 years opt to continue

working. As our lifespan increases, more persons will continue to work long after age 65 years, and since they do not draw down the Social Security trust fund, though eligible, these people ought not to be taxed.

□ 1250

UNFAIR TRADE BARRIERS MUST COME DOWN

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, 10 pounds of rice can say a lot about unfair trading practices. At a Tokyo food fair recently, a group representing the U.S. rice industry was threatened with arrest and shown the door after attempting to display a few small bags of American grown rice. According to Japanese officials, the display of American rice is a threat to their national security. I doubt if many of our Nation's rice producers know they have such an offensive weapon in their rice fields.

The truth be known, the Japanese are simply using this policy as an easy way to deny the American rice farmer access to this growing market. Competing against our world competitors is always difficult, but possible. Competing against a world competitor that will not open their markets is next to impossible. U.S. rice producers have endured Japanese roadblocks long enough. Our trade deficit with Japan is in billions of dollars and it continues to grow. Tragically, the persistent restriction of U.S. rice imports has only assured the flow of more U.S. trade dollars across the Pacific.

As we pass through a threshold of change in the world community, the leaders of Japan must know that their restrictive agricultural policies no longer have a place in an evolving world order. Equally important, our Nation's rice farmers have a role to play in future international trade but this will be difficult to achieve until many of these unfair trade barriers, like the Japanese maintain, are torn down.

The American rice farmer is no stranger to international trade disputes. Without a doubt, a majority of our domestic farm producers are advocates of fair trade and indeed support our Government's efforts to open new markets and expand old ones. The American farmer has no grudge against the people of Japan; however, their established practice of restricting the import of foreign rice products will continue to erode our mutual trade relationship until the unjust nature of these rice import constraints are finally removed.

In 1990 we won the cold war. In 1991 we won the Persian Gulf war. Now, we

have the opportunity to redouble our energies to win the trade war. The farmers of this Nation continue to look to the White House and Congress for hope in removing world trade barriers and our efforts must remain constant until this goal is achieved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules and prior to the vote on H.R. 1047, postponed from Wednesday, April 10.

GOLD MEDAL TO GEN. H. NORMAN SCHWARZKOPF

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 534) to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public.

The Clerk read as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

- (1) General H. Norman Schwarzkopf, Commander-in-Chief, United States Central Command, has valiantly directed United States and coalition armed forces in Operation Desert Storm, culminating in the successful liberation of the nation of Kuwait pursuant to United Nations resolutions;
- (2) the United States and coalition forces under the command of General Schwarzkopf quickly, decisively, and completely defeated the fourth largest ground army in the world, while minimizing coalition casualties and collateral civilian damage;
- (3) the United States and coalition forces under the command of General Schwarzkopf achieved the correct and justified objectives established by the President and the heads of State and governments of coalition forces;
- (4) the victory of United States and coalition forces successfully liberated the people of Kuwait, leading to greater stability and order in the region;
- (5) the logistics train established to support Operation Desert Storm was fundamental to the success of the coalition effort; and
- (6) General Schwarzkopf, together with his able staff and subordinate commanders, has led the men and women of the Armed Forces of the United States in an achievement unparalleled in United States military history.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General H. Norman

Schwarzkopf a gold medal of appropriate design in recognition of his exemplary performance as a military leader in coordinating the planning, strategy, and execution of the United States combat action and his invaluable contributions to the United States and to the liberation of Kuwait as Commander-in-Chief, United States Central Command.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed \$30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to honor Gen. Norman Schwarzkopf, commander-in-chief, U.S. Central Command. As the chairman of the Banking Subcommittee on Consumer Affairs and Coinage and a veteran of the U.S. Army, I would like to extend my gratitude to General Schwarzkopf for leading the coalition forces to victory.

His brilliant tactics and forceful leadership will be remembered for generations to come.

General Schwarzkopf is a man that quickly gained the respect of the American public through his competence and candor. He captured the feeling of elation as the war came to an end when he stated that the death toll was "almost miraculous," but thought twice and said, "... it will never be miraculous to the families of those people, who died." General Schwarzkopf when asked to describe himself said:

I don't consider myself dovish and I certainly don't consider myself hawkish. Maybe I would describe myself as owlsh—that is, wise enough to understand that you want to do everything possible to avoid war, that once you're committed to war then be fer-

cious enough to do whatever is necessary ... to get it over with as quickly as possible.

This he did.

He has gone from second lieutenant all the way to four-star general. As a graduate of West Point with a master's in engineering, his colleagues expected him to go into artillery. Instead he chose the infantry and has grown from there.

The Gold Medal that Congress would like to award to General Schwarzkopf will pay a small tribute to his years of service. General Schwarzkopf provided the cohesion and diplomatic fortitude to hold together the American forces of over 500,000 and an additional 200,000 allied forces.

I would like to urge my colleagues to support this bill to honor Gen. Norman Schwarzkopf.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 534, to award a gold medal to Gen. H. Norman Schwarzkopf.

A year ago, the name Schwarzkopf was not exactly a household word. And while his fame and notoriety are recent, his outstanding record of service to our Nation goes back nearly 40 years.

H. Norman Schwarzkopf was born in 1934 to a historically prominent family in Trenton, N.J.

In 1956, he graduated in the top 10 percent of his class from West Point. He has served a variety of duties, including two combat tours of Vietnam.

During one of those tours, it is well documented that then-Lieutenant Colonel Schwarzkopf landed by helicopter in a minefield to rescue soldiers under his command who were trapped there. By crawling through the minefield, he was able to reach and save one of the soldiers who had been wounded by a mine blast.

General Schwarzkopf himself was wounded twice in Vietnam.

In fact, the only flaw I can find in this man's background is the fact that he received a masters degree from USC. As a graduate of UCLA, I am required to be somewhat critical of his choice of schools.

In 1988, General Schwarzkopf became commander in chief of the U.S. Central Command. It was from there that he considered and prepared a number of contingency plans for handling a crisis in the Middle East.

In August 1990, the crisis became a reality with Saddam Hussein's invasion of Kuwait.

Norman Schwarzkopf did not want war. He is quoted as saying:

War is a profanity. I don't consider myself dovish and I certainly don't consider myself hawkish. Maybe I would describe myself as owlsh—that is wise enough to understand

that you want to do everything possible to avoid war; that once you are committed to war, then be ferocious enough to do whatever is necessary to get it over with as quickly as possible in victory.

In the largest military operation since the Vietnam war, General Schwarzkopf designed and implemented that strategy with stunning success.

The purpose of this legislation is to commemorate that success.

It is an expression of appreciation on behalf of a grateful nation.

It is an award that every man and woman who served in the Persian Gulf should be proud of—because they share the success of their commander.

Among the proudest people, I am sure, are the General's family—his wife Brenda, and daughters Cynthia and Jessica, and son, Christian.

General Schwarzkopf, this award is well deserved, and we, on behalf of the people of the United States, thank you.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. TORRES. Mr. Speaker, I yield 7 minutes to the gentleman from Florida [Mr. HUTTO], a distinguished cosponsor of the House bill.

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of S. 534, a companion bill to H.R. 1296, which is my bill to authorize the President of the United States to award the Congressional Gold Medal to Gen. H. Norman Schwarzkopf and to provide for the production of bronze duplicates of such medal for sale to the public. I hope that we will get an overwhelming vote on this measure as more than 260 Members of this body have signed on as cosponsors of H.R. 1296.

Mr. Speaker, it is altogether appropriate on this day on which the United Nations' final cease-fire has gone into effect that we pay tribute to the valiant performance of our men and women and their leader in Operation Desert Storm. Although there are many problems remaining in the Middle East, the war is over. In passing this legislation, we are paying tribute to those who were willing to put their lives on the line for the cause of freedom by presenting the Congressional Gold Medal to their leader Gen. H. Norman Schwarzkopf. It was through his leadership of the coalition forces that the mission was accomplished. Kuwait was freed of the presence of the Iraqi forces of Saddam Hussein who pillaged, raped, and devastated that country. General Schwarzkopf, commander in chief, U.S. Central Command, was the outstanding leader of the Persian Gulf war whose inspirational leadership made us all proud to be an American. Our troops, under his leadership, did a fantastic job of defeating the forces of

Saddam Hussein while minimizing coalition casualties.

We had no desire to go to war. But we will defend freedom. The victory was quick and decisive.

We deplore the inhumanities and atrocities that Saddam Hussein has inflicted upon his people and we are helping the desperate people of that troubled country in a humanitarian way at this time.

I believe that we have achieved goals in this war far beyond the Iraqi invasion and occupation of Kuwait. I am speaking of our stripping from Iraq the ability to wage nuclear, chemical, and biological warfare. Had we not done what we did there is no doubt in my mind that in future years Saddam Hussein would have been a tremendous threat not just in the Middle East but to the world. The decisive leadership of General Schwarzkopf, as the in-theater commander of the Persian Gulf war makes him worthy of public gratitude.

Mr. Speaker, this legislation authorizes the President, on behalf of the Congress, to present the Congressional Gold Medal of appropriate design in recognition of General Schwarzkopf's exemplary performance as a military leader in coordinating the planning, strategy, and execution of the coalition action and his invaluable contributions to the United States and the free world as commander in chief, U.S. Central Command. The legislation provides that the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions. It further provides that the Secretary may strike bronze duplicates for the gold medal and may sell such bronze duplicates at a price sufficient to cover the cost thereof.

Since 1776 the Congressional Gold Medal has been given to such diverse individuals as Sir Winston Churchill, Bob Hope, George Washington, Gens. George Marshall and Douglas MacArthur.

Mr. Speaker, I believe I should clarify the difference in the Congressional Gold Medal and the so-called Congressional Medal of Honor. The Congress established the first permanent American military decoration with the creation of the Medal of Honor in the early 1860's. Although this medal was also to be presented in the name of the Congress of the United States and today is often referred to as the Congressional Medal of Honor, the regulations for awarding the Medal of Honor have from the beginning been the responsibility of the armed services. So there is a clear distinction between the Medal of Honor, which is a military award, and Congressional Gold Medals which are authorized by Congress to honor particular individuals and events, not just the military. For example, during the Civil War more than 1,500 Americans were awarded the Medal of Honor, but only one individ-

ual, Ulysses S. Grant, received a Congressional Gold Medal. Thirty-five years were to pass before Congress would bestow the award on another American military leader.

The war is over. The victory has been won. I hope my colleagues will join me in overwhelmingly passing this legislation to award the Congressional Gold Medal to Gen. H. Norman Schwarzkopf, the valiant leader of those who history will recognize for their service to America and the free world.

Mr. MCCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished minority leader of the Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Speaker, at the outset I want to pay tribute to the gentlemen from California, Mr. TORRES and Mr. MCCANDLESS, the chairman and vice chairman of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs, for bringing this legislation to the floor today.

Mr. Speaker, I want to say right off the bat that Norman Schwarzkopf is a standout. He is a soldier's soldier, a general's general, a supremely competent commander, a brilliant strategist, a man who has the confidence of his troops, his President, the Congress and the American people. He is truly deserving of the Congressional Gold Medal.

I am sure that historians of the future will be asked to assess the reasons that America and its allies so handily won the war in the Persian Gulf.

They will no doubt point to our high-technology weapons. They will mention the strength of our coalition and the support it received from the world community. They will mention the demoralization of the Iraqi Army and the Iraqi people. They will cite the strategic stupidities committed by Saddam Hussein.

But above all, they will point to the man who led our forces into battle, who gave our troops the confidence that they could win, who developed the strategy that ended a major land war in 100 hours with few American casualties, who restored America's belief that it could once again successfully protect its interests and project its ideals around the world.

It was only a few short months ago that a chorus of pessimists was predicting imminent American defeat in the Middle East. They said American troops can't possibly fight in those conditions. The Republican Guard will chew up American soldiers. There may be as many as 20,000 American casualties. It will be another Vietnam, a quagmire in the desert. The coalition will break up, and then where will America be?

Fortunately, Norman Schwarzkopf knew better. He knew that there's

nothing American soldiers can't accomplish if they are given the tools and the leadership to get the job done.

Stormin' Norman said "Charge," and that's just what our brave American troops did, charge right through all the pessimism, the bugbears, the hobgoblins, the needless fears created by years of American self-criticism.

The Gulf war is over, and so finally is the Vietnam war. Now America can get back to its tradition of providing confident and generous leadership to the rest of the nations in the free world.

Yes, Mr. Speaker, America is back, thanks in no small measure to the leadership of Norman Schwarzkopf. America owes him a great debt of gratitude, and Congress could do no better than to bestow on him its most prestigious award—the Congressional Gold Medal.

I urge my colleagues to vote for this important bill.

Mr. TORRES. Mr. Speaker, I would ask the Chair how much time I have remaining.

The SPEAKER pro tempore. (Mr. McNULTY). The gentleman from California [Mr. TORRES] has 11 minutes remaining, and the gentleman from California [Mr. McCANDLESS] has 14 minutes remaining.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. McCANDLESS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding the time and I am pleased to rise in support of S. 534 and S. 565, authorizing Gold Medals for Gen. H. Norman Schwarzkopf and Gen. Colin L. Powell. And I would like to take this opportunity to commend the House sponsor, the gentleman from Florida [Mr. HUTTO] and the gentleman from Wisconsin [Mr. ASPIN] for their diligent expeditious work on these two measures and for the favorable consideration of the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. McCANDLESS] the leaders of the Subcommittee on Consensus Affairs and Coinage.

Not only is the presentation of these medals a befitting tribute to our outstanding Gens. Norman Schwarzkopf and Colin Powell, it represents the wholehearted appreciation of the American people for our men and women serving in the Armed Forces of the United States.

Mr. Speaker, over the past months we have all been glued to our TV sets intently observing the fast moving events in the Persian Gulf. What has been most impressive to all of us is the courageous manner and high level of competence of our brave men and women fulfilling their responsibilities in our Armed Forces. Our Armed

Forces are the cream of the crop. Our service men and women represent the best trained force that our Nation has seen. Our hearts swell with pride with their impeccable, effective performance under fire.

A great deal of the credit and responsibility for the quality of our Armed Forces rests upon these leaders who we honor today and who with their dedication and competence, have made possible the Allies' stunning success in the Persian Gulf.

Mr. Speaker, I am pleased to rise in support of this important measure, and I urge my colleagues to join in their support.

□ 1310

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for those eloquent remarks.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I want to congratulate the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. McCANDLESS], and the entire committee for the wonderful work they have done in this legislation. It is certainly a tribute not only to two outstanding Americans, but also to their entire committee.

Rarely in the course of history does the confluence of events create the opportunity for men to prove their abilities. Few of us will ever be able to look back at a particular point in our lives and be able to claim that we shaped the world in which we live. Gen. Colin Powell and Gen. Norman Schwarzkopf are two men who will be able to make that claim.

General Powell, Chairman of the Joint Chiefs of Staff of the best and most capable military in the world, was not born a member of the privileged elite, but rather into the home of a working class family. The road to Chairman of the Joint Chiefs took him through Vietnam and the agony of America's experience in that war.

General Powell's commitment to his country continued as he served the Reagan administration in several posts, before receiving the assignment as Chairman of the Joint Chiefs, over several more senior officers. During Operation Desert Storm, he proved why he deserved the highest post in the military.

He orchestrated the initial deployment to Saudi Arabia to defend against an imminent invasion by Saddam's legions. Later, he advised the President to double the deployment, a move that General Powell knew would draw fire from Congress. It was a move that won the war.

As the day to launch the ground war drew near, last ditch negotiations threatened to unhinge the entire operation. It was Gen. Colin Powell who gave the President his best advice—to

set a deadline that Saddam would have to meet that also held together the diverse coalition of allies. President Bush's decision to follow General Powell's advice solidified the alliance, slammed the door on Saddam's aggression, and reestablished America's leadership in the world.

And while General Powell was leading the orchestra here in the United States, General Schwarzkopf was making sure that all the players in the international orchestra we assembled were playing off the same sheet of music.

Having anticipated Iraqi aggression a year prior to the August 1990 invasion, General Schwarzkopf had already written the score for what would become Desert Shield, and later Desert Storm. Soon, we found that his foresight was less speculation and more an educated hunch based on his experience.

General Schwarzkopf was born into a military family and spent many years in the Mideast. His knowledge of the region convinced him of its instability and he believed strongly in the possibility of a Mideast war when others were focused on Europe and the cold war.

During the war, we only caught glimpses of the General who liked to compare his strategy with that of Alexander the Great, but described it with 20th century football lingo.

Not until the campaign-ending press conference was all of America finally able to gauge the man they call the "Teddy Bear with a Temper."

In General Schwarzkopf, America found a man of dedication to his troops, his country and his mission. They found a general who knew how to fight a war, and a soldier who understood the sacrifices his troops were making every day.

General Schwarzkopf's masterful handling of the press was surpassed only by this brilliant planning of operation Desert Storm. The careful attention to detail and precise execution were coupled with an understanding of the foot soldier's needs—these are the qualities that made General Schwarzkopf's Desert Storm the campaign known as the 100 hours war. It is a campaign that will be studied by military historians for the rest of time. It is a great accomplishment upon which a man can hang his hat, or helmet as the case may be, as he nears retirement.

Both General Schwarzkopf and Gen. Colin Powell have demonstrated qualities that make us all proud to be Americans. They deserve every bit of the thanks and honor these two medals symbolize. They have earned their rightful place in history as examples of America's best.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was reported that one of General Schwarzkopf's military heroes was General Grant.

In December of 1863 following the siege of Vicksburg, President Abraham Lincoln sent a message to General Grant.

That message, in the phrases of the times, is as appropriate today as it was over a hundred years ago. In the words of Lincoln:

I wish to tender you, and all under your command, my more than thanks, my profoundest gratitude, for the skill, courage, and perseverance with which you and they, over so great difficulties, have effected that important object. God bless you all.

Mr. Speaker, I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume, and I would like to address my colleagues in saying that what we are doing today in awarding a gold medal to Gen. Norman Schwarzkopf follows in a great tradition of this Nation in awarding such medals to great military leaders as we have in the past.

Congress, as has already been stated, has bestowed this medal to George Washington, to John Paul Jones, to General Pershing of World War I, to Generals Marshall and Eisenhower and MacArthur of World War II. A great distinction to our American military leaders.

Certainly today, as the bill calls for, I would urge my colleagues here assembled that we pass this historical bill commemorating a great American military leader, Gen. Norman Schwarzkopf.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of S. 534, the bill to authorize and award a Congressional Gold Medal to Gen. H. Norman Schwarzkopf.

Colleagues on both sides of the aisle have risen today to salute the outstanding job General Schwarzkopf did as supreme commander of United States and allied forces in the Persian Gulf war. His experience and strong leadership were key ingredients in shaping a brilliant plan and in seeing that it was executed. The result was a total victory. The tactics employed by allied ground, air, and naval forces will be written about by military historians and taught by military strategists for years to come.

General Schwarzkopf will say that the true heroes of this operation were the men and women of our United States and allied force, who put their lives on the line in the Persian Gulf, and no one can argue with that. But he deserves much credit for putting it all together and making the tough decisions.

This gold medal is a way to show the appreciation of the Congress and the Nation for what General Schwarzkopf and our military forces achieved in the Persian Gulf. It is well deserved and I support this effort completely.

Mr. PACKARD. Mr. Speaker, I rise in support of legislation to award a Congressional Gold Medal to General Schwarzkopf and General Powell in recognition of their leadership in Operation Desert Storm.

As the Representative of California's 43d District, my concern about our troops was heightened since 40,000 of the marines deployed to the gulf are from Camp Pendleton, which is in my district. While I mourn for those Camp Pendleton marines who did not return alive, I am grateful that virtually all of the marines from my district have and will return home alive and well. I believe this fact is owed directly to the skill and expertise exemplified by General Schwarzkopf and General Powell.

I believe history will prove that these great men managed to pull off one of the most brilliant military offensives in modern history. With allied casualties far below the most optimistic estimate, Generals Schwarzkopf and Powell led the allied coalition in a crushing defeat of the Iraqi army and the widely feared republican guard. Every man and woman serving in the gulf and every member of their family owe a personal thanks to General Schwarzkopf and General Powell. I extend my thanks and commendation to these men and wholeheartedly support this well-deserved commendation.

Mr. ASPIN. Mr. Speaker, I rise in support of the Senate bill, S. 534, to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf. General Schwarzkopf, as commander in chief, U.S. Central Command, provided distinguished leadership in conceiving and executing the military strategy that resulted in the successful, liberation of Kuwait, with a minimum loss of lives.

With the congressional direction to the Secretary of the Treasury that the Congressional Gold Medal be struck and presented to General Schwarzkopf, General Schwarzkopf joins a distinguished group of prior military commanders who have received this award, including: Gen. George Washington, in recognition of his wise and spirited conduct in the siege and acquisition of Boston; and General of the Armies of the United States John J. Pershing, for his peerless leadership, heroic achievements, and great military victories, as commander in chief of the American Expeditionary Forces in Europe in World War I.

General Schwarzkopf, due to the changes made by the Goldwater-Nichols Act, had a unique opportunity to prove that congressional actions to free our combatant commanders from organizational obstacles that might inhibit their ability to act, was the right course of action. With the passage of Goldwater-Nichols, Congress took action to ensure that the vast responsibilities shouldered by our country's combatant commanders were accompanied by the authorities necessary to carry out their military missions. While we have not had an opportunity to examine the operation in any detail, everything we have heard so far indicates that these changes in organizational and command structure played a large part in our military's ability to so successfully carry out Operations Desert Shield and Desert Storm. There is no doubt in my mind, however, that these changes would not have been as successful without the leadership of Gen. Norman Schwarzkopf.

Our Nation cannot thank him enough for his dedication and contributions during this conflict, and I am proud that the Congress is recognizing his efforts in this manner.

Mr. ANNUNZIO. Mr. Speaker, any war is terrible, but there are times when the United States feels its must wage a military effort in order to defend a friend from being the victim of an act of aggression by a neighboring bully. That is what the United States did when our forces were sent to the Persian Gulf to liberate the nation of Kuwait from the inhumane tyranny of Iraq's cruel ruler, Saddam Hussein.

And, as often is the case, when the United States must engage in a war, our military leaders become true heroes. It is for that reason that I support the legislation to authorize the President to award the Congressional Gold Medal on behalf of Congress, to the commander of the U.S. Central Command and head of the American-led coalition forces in the Middle East, and to provide for the production of bronzed duplicates of the medal for sale to the public.

The leadership of General Schwarzkopf during the Persian Gulf war makes him worthy of congressional recognition. In the battle against Saddam Hussein, he led our forces to a quick victory.

Since 1776, the Congress has authorized Congressional Gold Medals for more than 100 individuals and the American Red Cross. Few military leaders have been so honored. General of the Army George Marshall, Gen. John Pershing, Gen. Douglas MacArthur, and Adm. Hyman Rickover. It is appropriate that General Schwarzkopf join this distinguished list of military heroes.

In authorizing this medal, I believe it should be made clear that Congress not only honors General Schwarzkopf, but also the thousands of military men and women who, under his leadership, planned and carried out Operation Desert Shield and Storm so successfully.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in proud support of S. 534 and S. 565.

Now that the guns have fallen silent and we watch with joy the return of our military, it is time to reflect on the success of liberty over aggression in Kuwait.

It is fitting that the Congress pay tribute to two of our finest soldiers—Gen. H. Norman Schwarzkopf and Gen. Colin L. Powell, commander of the Joint Chiefs of Staff.

Without their intelligence, compassion and dedication to duty, the war against the brutal forces of Iraq would never have been conducted in such a victorious manner.

The strength of any military is built on the backs of the men and women on the front lines.

Both General Schwarzkopf and General Powell have been on the front lines, as enlisted men, and as leaders of the world's greatest military power.

They learned from the mistakes of the past, and maintained a level of professionalism seldom seen in modern warfare.

Aside from the purely military skills both displayed, General Schwarzkopf and General Powell projected American policy in a forthright way and effectively held together, from an operational standpoint, a wide spectrum of coalition forces united in the struggle for freedom.

Not since the Second World War, had there been as many and diverse military allies united for one purpose.

They never strayed from their objectives, nor gloated when the flags of surrender were waived by the Iraqi Army.

General Powell and General Schwarzkopf conducted a war that is indicative of our military today—proud, professional and supported by the men and women of our country.

There are few individuals, who have served their country, who are more deserving of gold medals.

Both are American success stories who have made their country a symbol of freedom for the world to envy.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 534.

The question was taken.

Mr. McCANDLESS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOLD MEDAL TO GEN. COLIN L. POWELL

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 565) to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

The Clerk read as follows:
S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that:

(1) General Colin L. Powell, the Chairman of the Joint Chiefs, the principal military adviser to the President, the National Security Council, and the Secretary of Defense has displayed an extraordinary degree of leadership, competence and professionalism fulfilling his statutory responsibilities throughout Operation Desert Shield and Operation Desert Storm.

(2) The leadership, competence and professionalism of General Powell and his subordinates, officers and noncommissioned officers, have instilled great confidence and pride in the Armed Forces of the United States which contributed significantly to the successful prosecution of the Persian Gulf War.

(3) General Powell and his subordinates brilliantly planned and coordinated at the national level the highly rapid and successful mobilization and deployment of more than one-half million men and women of the Armed Forces of the United States to the Persian Gulf region.

(4) General Powell's leadership and foresight were directly responsible for ensuring that sufficient military forces and logistics were committed to the foregoing operations in a timely manner to bring about a swift and decisive military victory with casualties

and loss of life at levels so low as to be unprecedented in the annals of military operations by any nation.

(5) The superb coordination among allied forces and the unique and exceptional command arrangements which produced the highly effective chain of command within the allied coalition is directly attributed to the military competence, and extraordinary leadership of General Powell.

(6) As the principal military adviser to the President of the United States, the National Security Council, and the Secretary of Defense, General Powell's clear and farsighted assessments, judgments and recommendations were invaluable and instrumental in the timely and decisive military actions directed by the President which resulted in Iraqi compliance with all United Nations resolutions related to the Iraqi invasion and occupation of Kuwait.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General Colin L. Powell a gold medal of appropriate design in recognition of his exemplary performance as a military leader and advisor to the President in planning and coordinating the military response of the United States to the Iraqi invasion of Kuwait and the ultimate retreat and defeat of Iraq forces and Iraqi acceptance of all United Nations Resolutions relating to Kuwait.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereinafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 3, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed \$30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes and the gentleman from California [Mr. McCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to commend Gen. Colin Powell for complementing General Schwarzkopf's leadership in the Persian Gulf. He has brought new luster to military careers. He will become a role model for many young Americans. He has said to young

men and women that, "there are no secrets to success. Don't waste time looking for them. Success is the result of perfection, hard work, (and) learning from failure."

I recognize the achievement of this great military leader. As Steven Roberts wrote in U.S. News and World Report, General Powell "has become a fusion of two noble national goals, racial progress and military power."

I strongly support this measure to award General Powell with a Congressional Gold Medal. Generals Schwarzkopf and Powell have earned the respect of the American public for their clear-headed leadership of the coalition forces in the Persian Gulf.

General Powell's calm demeanor before the press gave the American public the needed assurance that all would end well. The military decisions made by both Generals Schwarzkopf and Powell provided the successful plan by which the coalition forces could win the war.

The Congressional Gold Medal that will be awarded to Generals Schwarzkopf and Powell will put them in the company of other great leaders in the past. Congress first bestowed this medal to Gen. George Washington. John Paul Jones, General Pershing of World War I, Generals Marshall, Eisenhower, and MacArthur, have also received this high honor.

Mr. Speaker, I am proud to honor General Powell and those who served under his command.

□ 1320

Mr. McCANDLESS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Gen. Colin Luther Powell has a long and distinguished record of military service.

A native of New York, and the son of Jamaican immigrants, Colin Powell was commissioned a second lieutenant in 1958.

His sure and steady rise from the streets of the South Bronx to the Nation's highest military post have not surprised those who know him.

He served two tours in Vietnam. One story goes, that when his first child was born, he was so far in the jungle that the news didn't reach him for 3 weeks. He received a Soldier's Medal for valor for rescuing his commanding officer from a burning helicopter.

General Powell has long been known for being direct, and cool under pressure. At the age of 54, he became the youngest officer ever to be named the Chairman of the Joint Chiefs of Staff. However, few people have ever taken that job as well prepared as Colin Powell.

Our friend, and former colleague, Secretary Dick Cheney has described his relationship with General Powell as "a continuing tutorial on the U.S. military."

The restoration of the confidence of, and the confidence in, our Armed Forces bear the marks of General Powell.

When the crisis in the Middle East erupted, perhaps it was his experience in Vietnam that brought him to be an advocate of overwhelming and decisive action.

He rejected limited action, saying:

Those strategies are not decisive; they are not success oriented. Such strategies are designed to hope to win. They are not designed to win.

While he let the generals in the field work out the details of the war plan, he was very much involved, visiting Saudi Arabia in December and February, and speaking to General Schwarzkopf several times a day. The final plan contained a number of his suggestions.

Without question, Colin Powell is a major reason why the President, the Secretary of Defense, and the Nation as a whole, showed tremendous confidence in the men and women of our Armed Forces, and why they were victorious.

With this award, we send General Powell the heartfelt thanks of a grateful nation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished ranking minority member of the Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Speaker, I would like to pay tribute to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], as well as to the gentleman from Ohio [Mr. WYLIE], the vice chairman, and again to the gentleman from California [Mr. TORRES] and to the gentleman from California [Mr. MCCANDLESS], for bringing this important piece of legislation to the floor.

Mr. Speaker, I fully support the awarding of a congressional gold medal to Gen. Colin Powell.

This may have been the most successful, the most conclusive war America has ever fought. It is time to show America's gratitude to the people who made this possible.

It has been said that victory has a thousand fathers. There is no question that the battlefield success of America's coalition was the work of many people—from the President on down to the private in the foxhole.

But it is equally clear that the real burden of responsibility for planning and executing this extraordinary military operation was shared by only a few individuals.

As Chairman of the Joint Chiefs, Gen. Colin Powell directed every aspect of this operation flawlessly. It was an immensely complicated operation—particularly the logistics of getting hundreds of thousands of American soldiers to the front lines.

General Powell's successful direction of this operation not only saved a small country from being swallowed

up, but also restored America's faith in itself.

Back in the 1960's, there was a clever slogan, some in this House may remember. It was used by the antiwar movement during the Vietnam conflict. The slogan said: "War is too important to be left to the generals."

In fact, we did not leave the decision-making to the military in that war, and I suspect that is one reason we did so poorly.

In 1990, George Bush turned that slogan on its head. He said in effect, if this war is important enough to fight, he would rely on the judgment of those who really know how to fight.

He made a wise decision. He turned the fighting over to the generals, and America won the war.

I believe many people in this world, and maybe a few in this House, were surprised at the professionalism and the real fighting spirit demonstrated by American men and women in uniform.

They may have thought the American military was demoralized by Vietnam. They were wrong.

What kept our military together in the decade-and-a-half since Vietnam was the persistence and hard work of those officers and NCO's who stayed in the military services and quietly built up the greatest fighting force in the world.

No one better exemplifies that love of country and the willingness to persevere through the lean years than General Powell.

No one is more deserving of America's respect and admiration than Colin Powell, and I urge my colleagues to vote for this important legislation.

Mr. Speaker, again I congratulate the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. MCCANDLESS] for bringing this legislation to the floor.

Mr. TORRES. Mr. Speaker, I yield 4 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, the greatest accomplishment of Operation Desert Storm is not the defeat of Saddam Hussein or the liberation of Kuwait. Mr. Speaker, the greatest accomplishment of Operation Desert Storm is the fact that our troops are finally coming home. Every day, we see the smiling faces, the hugs, the tears of joy as families are reunited after months of separation. These reunions are the ultimate accomplishment of Operation Desert Storm.

It is clear that none of this could have happened without the decisive leadership that the United States and the allied commanders showed in leading our forces into 100 hours of victory over the routed Iraqi forces. The strategic genius of Gen. H. Norman Schwarzkopf has been widely recognized and honored. However, today I ask my colleagues to honor one of the

many heroes of our war, but one who was a crucial member of the team who created and implemented the strategy which culminated in victory. I speak of Chairman of the Joint Chiefs of Staff, Gen. Colin L. Powell.

General Powell's insight and guidance were imperative to the timing and strategy of Operations Desert Shield and Desert Storm. As principal military adviser to the President, the National Security Council, and the Secretary of Defense, General Powell went beyond his prescribed duties to fulfill the role of key adviser in the most crucial of times. His advice and opinion were primary factors in a strategy which gave us the edge over an enemy that was perceived as outnumbering us and outgunning us. It was his insight and communication with field commanders and subordinates in the military which gave us the advantage necessary to defeat Saddam Hussein.

It is unfortunate that even one American lost his or her life. However, the leadership and planning of General Powell and the field commanders saved the lives of thousands of others. It is to this leadership to which we owe the homecomings we now see.

Throughout, General Powell instilled in us a sense of confidence and professionalism. His cool sense of conviction in our mission sustained the national confidence and carried us through the first tense nights of the air war and into the swift victory on the ground.

Through it all, Colin Powell has not only been a soldier but also a gentleman. It is therefore fitting that the Congress authorize the President to present Gen. Colin L. Powell with a gold medal in recognition of his professionalism, leadership, character, ability, and skill in the allied victory over the forces of Saddam Hussein.

Mr. Speaker, I voice my support for this measure and urge my colleagues to join me in support of this resolution.

□ 1330

Mr. TORRES. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I rise in strong support of S. 565, the measure which would authorize the President of the United States to present the Congressional Gold Medal to Gen. Colin Powell, Chairman of the Joint Chiefs of Staff.

About 3 or 4 years ago our late colleague in the House, Congressman Bill Nichols, the former Senator, Barry Goldwater, got together on a legislative measure that has reformed the Department of Defense. I think we have seen the results of that very important legislation in the outcome of Desert Storm. Among other things, the legislation, the Goldwater-Nichols bill, brought about was to strengthen the role of the Chairman of the Joint Chiefs of Staff as well as to provide

more authority to those on location, the in-theater CINCs, commanders in chief. Again, this measure has proven to have been one of the best things that has happened at the Department of Defense for a long, long time.

In strengthening the role of the Chairman of the Joint Chiefs of Staff, no one could have carried out those duties any better, I believe, than the gentleman who occupies that post at this time, Gen. Colin Powell.

As you have already heard today, General Powell has had a very distinguished career in the military, but beyond that he has also served in a number of positions in the public interest and in the political interest.

As you know, he was the National Security Adviser for a number of years before taking his present position as Chairman of the Joint Chiefs of Staff. It has been really wonderful for our committee to watch the operation go forward with General Powell and with Secretary of Defense Dick Cheney. They have worked very well together.

As you know, General Powell has worked exceedingly well with General Schwarzkopf and those in the field. From time to time the Committee on Armed Services has had Secretary Cheney and General Powell come before our committee, and they both do an excellent job of presenting the case for the defense of our Nation and for the free world, and they always do a super job of responding to our questions.

They know how to get the job done, and that has certainly proven true in recent days.

Mr. Speaker, S. 565 is a companion bill to H.R. 1687, introduced by the chairman of the Committee on Armed Services, the gentleman from Wisconsin, the Honorable LES ASPIN, myself, and a number of other people. I am very pleased that we are honoring Colin Powell with the Congressional Gold Medal. He is certainly deserving of this honor. He has served his country really well, and I want to add my strong support for the measure and wish General Powell and his family the very best.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

In closing Mr. Speaker, this award notes General Powell's extraordinary foresight, leadership, and professionalism. It is recognition for a man who has served his country to the highest standard.

I urge its adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise today in support of S. 565, a bill that recognizes, by issuance of a gold medal to Gen. Colin Luther Powell that his

achievements reflect the values our Nation should represent.

When America looks at Colin Powell, it sees the Chairman of the Joint Chiefs of Staff, a man who helped lead this Nation to strategic military victory in the Persian Gulf. For this accomplishment, all Americans can be proud. My focus today, however, reflects upon the personal achievements of General Powell that many in this country may not immediately recognize. I am here to highlight the accomplishments of an African-American man who earned his bachelor of science degree from New York State University and his master of business administration degree from George Washington University, a man who has risen through the ranks, earning promotion after promotion to finally become one of only four African-Americans to earn four star general status.

General Powell is a role model for many African-Americans who question their ability to succeed in traditionally white-dominated occupations. His leadership is especially important because minorities, and African-Americans in particular, are so highly represented in the Armed Forces today.

So I congratulate General Powell for his leadership, his commitment to his country, and his ability to beat the odds and reach beyond traditional expectations. Our Nation is fortunate to have such a great American.

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply close at this time by saying to my colleagues assembled that I want to associate myself with the laudatory words of the previous speaker, my colleague from California, Los Angeles, an area of this country, a part of this country that has paid great tribute to General Powell.

Mr. Speaker, I would like at this time to acknowledge that the Los Angeles Times has printed an outstanding story on the man we honor today, and I include it at this point in the RECORD.

The Los Angeles Times article follows:

[From the Los Angeles Times Magazine, Apr. 7, 1991]

FOUR-STAR POWER

(By Rudy Abramson and John Broder)

MIDMORNING IN THE MIDDLE EAST. Acrid smoke rises from hundreds of fires around Baghdad. Flames lick the turrets of mangled Iraqi tanks in Kuwait. From runways in Saudi Arabia and catapults on aircraft carrier decks in the Persian Gulf, one screaming warplane follows another into a new day, bound for Iraq, bound for the bunkers of Saddam Hussein's dug-in troops. The demolition of an army is under way. The desert has become a slaughterhouse.

In Washington, it is midnight, and just down the broad outer ring of the Pentagon from the war room, the chairman of the Joint Chiefs of Staff, in his huge, dimly lighted office, slips out of his green dress uniform. On a leather sofa, Gen. Colin L. Powell pulls a blanket over himself and falls asleep beneath a painting of West Point's

first black graduate leading a cavalry patrol across the Great Plains.

It has been 20 hours since Powell last slept, but he will be up again before dawn and back in the command center for another day as ringmaster of the mightiest military offensive since the Allies stormed the shores of Normandy. Nearly a week of war will pass before he spends a night at home in his elegant quarters three miles away at Fort Myer, Va., overlooking the capitol. By then, the destruction of the Iraqi army by night and day air strikes will have become chillingly systematic, what one Pentagon planner calls "almost an industrial operation."

After a week of this relentless pounding, Powell appears in the Pentagon briefing room to lay out what is in store for the Iraqi legion that overran Kuwait.

"Our strategy for going after this army is very, very simple," the general says to the American people. "First we are going to cut it off, and then we are going to kill it."

It was not a threat. It was a promise.

That bluntness seared Colin Powell into the national consciousness. It was a defining moment for the country's premier soldier, who is emerging as perhaps the most influential American military leader in half a century. With the armed forces basking in public admiration unseen since Johnny came marching home at the end of World War II, Powell has become a folk hero—a living, breathing recruiting poster with a beer-barrel chest, a blacksmith's arms and the bearing of a centurion. Suddenly, he is being immortalized on posters and bubble-gum cards, hounded by autograph seekers and, more significantly, promoted as a potential candidate for national office.

While the Gulf War made Powell a symbol of a reinvigorated military, the general remains an enigmatic figure, more compelling yet more distant than most of his predecessors. He is neither a combat hero nor an intellectual. He lacks the glittery command credentials of previous chairman, World War II generals such as Maxwell Taylor and Omar Bradley; his academic background pales beside the Princeton Ph.D. of his predecessor, Adm. William J. Crowe Jr. Powell's name now surfaces in political forecasts, but his views on domestic policy have remained an intriguing mystery. Yet he has built a reputation for plain-spokenness as much as for his recruiting-poster image and formidable coolness under pressure, traits displayed in the White House as well as in the Pentagon.

The most remarkable feature about Colin Powell has been his long, sure and steady ascent. From the streets of the South Bronx to the war room of the Pentagon, his career has proceeded with the certainty of a laser-guided missile. Some analysts think the ultimate accolade—a fifth star—might follow, putting him in the rarefied company of such leaders as Bradley, Dwight D. Eisenhower and Douglas MacArthur. As the conquering troops return home, two big questions hover about him: Can he manage the brewing postwar political battles as surely as he did the six-week war? And, what lies beyond the Army?

The gun barrels of American tanks are scarcely cool, but casual speculation escalates, creating shimmering images of another Eisenhower. One national poll put Powell's approval rating at an astronomical 86%. Another reported that he was favored by 50% to 23% over Vice President Dan Quayle as President Bush's running mate next year. The surge of 1992 vice presidential speculation gave rise to noticeable Angst on both sides of the Potomac; in a phone call to

Quayle and in public statements, Powell denied having any designs on the vice president's job. But interest in the general's political career has hardly abated.

Like Eisenhower, who was courted by Democrats as much as Republicans before he entered the 1952 GOP primary in New Hampshire, Powell hides his political affiliation behind his medals. Asked about it directly in an interview, he says: "I don't have to answer that. I haven't answered it, and I am not going to answer it. I'm a military officer."

Just turned 54, Powell was the youngest officer ever named chairman of the Joint Chiefs when President Bush jumped him over nearly three dozen more senior officers, including Desert Storm commander H. Norman Schwarzkopf, in 1989. Powell is certain to be named to another two-year term when this one expires in October, and he is eligible for a third.

In Washington, long before he delivered on his curiously bombastic promise to wipe out the Iraqi army, Powell was already being mentioned in the same breath with heroic figures of the American military, including the revered soldier-statesman George C. Marshall, principal architect of U.S. strategy in World War II.

Members of Congress, often skeptical of military leaders, have come to treat him with near awe. When President Bush acknowledged the general's presence before a joint session of Congress last month, members rose in a standing ovation.

"Powell is the greatest military leader this country has produced since World War II," says U.S. Sen. John McCain (R-Ariz.), son and grandson of admirals, himself a former Navy fighter pilot and a prisoner of war in North Vietnam. Before the Gulf War, McCain says, Powell was treated with deference and respect on Capitol Hill. "Now it borders on adulation."

As Marshall resisted the temptation to rush Americans into World War II combat until he was confident the first engagement would end in triumph, Powell has demonstrated a similar, sober caution at the prospect of sending Americans into combat. According to a senior Pentagon official, Secretary of Defense Dick Cheney thought that Powell was slow to recommend military responses to Iraq's invasion of Kuwait because the general doubted that Congress and the Administration would provide him the overwhelming force he considered necessary to do the job.

In the early hours after Kuwait was overrun, the defense secretary wanted a series of military options to present to the President, and he wanted it quickly. But two days passed before Powell delivered the plans. Cheney, says an official close to him, "practically had to turn the building upside down and shake it."

"The whole outfit is conservative," the official continues. "The military instinct around here was to say, 'We can't do this without a substantial ground force, and the politicians will never give us that, so we won't do anything.'"

Powell insists that there was never a moment of foot-dragging. He was, he says, simply determined that if the United States intervened to restore Kuwait independence, it had to move with massive superiority. There would be no more Vietnams. It was an attitude ingrained in a generation of officers who fought in the bitterly divisive conflict, and it became the Bush Administration's mantra. "If we go in, we go in to win," Powell repeatedly told Administration officials

and members of Congress, "not to fool around."

After the course was set to eject Saddam Hussein from Kuwait, Powell was the Administration's most forceful public advocate. When two former Joint Chiefs chairmen, Crowe and retired Air Force Gen. David C. Jones, sided with congressional Democrats arguing that economic sanctions or limited use of air power might persuade Iraq to withdraw from Kuwait, Powell launched a frontal attack.

"Many experts, amateurs and others in this town believe that this can be accomplished by such things as surgical air strikes, or perhaps a sustained air strike. And there are a variety of other nice, tidy, alleged low-cost, incremental, may-work options that are floated around with great regularity all over this town," he told the Senate Armed Services Committee in December. "Those strategies may work, but they also may not. . . . These strategies are not decisive; they are not success-oriented. Such strategies are designed to hope to win. They are not designed to hope to win."

From the moment the first planes reached Saudi Arabia on August 8, Powell was patron of a success-oriented Gulf strategy. "When we launch it, we will launch it violently, we will launch it massively, so there will be no doubt when it's over who won," the four star-infantryman told a cheering throng of A-10 "Warthog" pilots at an air base in northern Saudi Arabia just before Christmas. "It's gonna be fun if you ever get started."

Like Marshall, who yielded the glory of the allied campaign in Europe to Gen. Eisenhower, Powell let the spotlight shine on his field commander, Gen. "Stormin' Norman" Schwarzkopf. Powell oversaw the broad strokes of policy from his Pentagon office and assured his generals that they would be sent every soldier, plane, ship and tank they wanted.

Schwarzkopf, with a small band of young military planners dubbed the "Jedi Knights," designed the end-run strategy to carry out Powell's vow to cut off and kill the Iraqi army. In two critical visits to Schwarzkopf's headquarters in Riyadh, Saudi Arabia, in December and February, Powell reviewed the war plan, questioned his commander and his staff about it and offered a number of minor suggestions. The majority of his questions, aides recall, centered on one issue: how to reduce U.S. casualties.

During the buildup and the air war, Powell and Schwarzkopf spoke by telephone twice a day, once early in the morning, once in the evening. During the four-day ground campaign, the two generals spoke four or five times a day, with Powell demanding detailed information on locations of U.S. combat units and the level of resistance they were meeting. "It's not the chairman's style to micromanage," says a close aide. "These talks were informative rather than consultative."

Did Powell ever yearn to change places with Schwarzkopf, to shed his crisp green uniform for the field commander's desert camouflage and muddy boots?

"It would be nice to be out there," he said a little wistfully a week after the cease-fire was called. "But truly, the answer is no. Norm is the best guy for that job, and I think I have particular experiences for this job."

The Joint Chiefs of Staff conduct their most serious deliberations around a circular mahogany table beside Colin Powell's desk. No staff. No secretaries. Just Powell, Adm. David E. Jeremiah, his vice chairman, and

the four chiefs: Gens. Carl E. Vuono of the Army, Merrill A. McPeak of the Air Force, Alfred M. Gray Jr. of the Marine Corps and Adm. Frank B. Kelso II of the Navy. The fact that they meet beside Powell's desk and not in the secure confines of their formal conference room, known as "the Tank," is a testament to Powell's supreme authority.

Though they grapple with multibillion-dollar issues and decisions that will shape the American military forces of the 21st Century, there are no votes. "We haven't voted on anything since I've been here. We talk about things," Powell says. "I know what every one of them thinks. When we are all through talking about it, I will say, 'Guys, what I hear you saying is so and so, and what I think about it is so and so, and this is going to be my position with the secretary. Who wants to sign on and who doesn't?'"

It's hardly democratic, but over the years, the main criticism of the Joint Chiefs system was that it was too democratic to make the tough calls. It produced standoffs. It produced compromises. It recommended budgets that were nothing but the sum of service wish lists. It produced mixed voices. There were times when the chiefs were arrayed against the chairman, and there were times when they were ignored by the secretary of defense.

The landmark 1986 Goldwater-Nichols Act changed that, empowering the chairman to act without consensus of the chiefs. On paper, the Defense Department is ruled by a score of boards and committees, but the meaningful power of the Pentagon indisputably rests with Cheney and Powell. "The fact is that the chairman no longer has to give a sort of lowest-common-denominator advice that the chiefs can agree to," Cheney says. "Colin has put his stamp on the job."

Powell's unquestioned authority is mostly born of the force of his personality and his well-honed personal relationships. It was not inevitable. In times past, chairmen of the Joint Chiefs have been so overshadowed by field commanders that they slipped into history's mists. During the Vietnam War, Chairman Gen. Earle G. Wheeler was excluded for a full year from President Lyndon B. Johnson's weekly White House luncheon where war policy was made. President Ronald Reagan, in an interview after leaving White House, said the name John W. Vessey rang a bell but couldn't quite place it. Reagan had appointed Army Gen. Vessey chairman of the Joint Chiefs, a position in which he served for four years.

Within the Joint Chiefs, Powell has quietly built a miniature think tank, headed by Army Lt. Gen. Howard D. Graves, considered to be one of the military's leading strategic thinkers. This small group of senior officers rivals the Defense Department's civilian policy planning staff in defining the nation's defense agenda. But it is Powell who runs the show, a sharp contrast with that of Crowe, his immediate predecessor. Crowe was more of a cajoler, a consensus builder who "would float a proposal and then kibitz with the other chiefs and sometimes would even change his mind," says one reigning service chief who worked under both chairmen. "Powell tends to make a decision and then go back to the tank and rally the chiefs to his point of view. He lays the agenda on the table and we all nod affirmative, and that's about it."

When disputes cannot be resolved, dissenters are invited to take their pointers and their charts up to Cheney's office, one floor above Powell's. "I love fights," Powell insists. "That's the way to get the best out of

people. The worst thing is to fail to let somebody get in his shot, and that's not the way we do business."

When Powell and his subordinates are involved, the fights tend to be one-sided, says his spokesman, Col. Frederick W. Smullen II. During the Gulf War, a television news report on a secret new technique for targeting Iraqi tanks sent Powell into a self-described "tantrum." Smullen was on the receiving end of this sharp and profane exchange, even though Powell knew he wasn't responsible for the story. The storm quickly passed, however. "His anger is intense but short-lived," Smullen says. "It lasts seconds, not minutes."

Powell's broad power also arises from relationships he has forged over the years with Bush, Cheney and Brent Scowcroft, White House national security adviser. During his tour at the White House as national security aide, Powell occupied an office only a few feet from Vice President Bush. They shared a bathroom in the West Wing. The vice president was on hand each morning when Powell went in to give Reagan his national security briefing. They would drop by each other's office to chat. Today, Powell affords the President respect but not awe. He uses the same blunt language in the Oval Office as he does in the chiefs' conference room.

Cheney, a former congressman from Wyoming who came to the Pentagon as a relative neophyte, describes his relationship with Powell as "a continuing tutorial on the U.S. military."

Some students of the military believe that the fact that Powell is black enhances his extraordinary standing, a declaration of a new day in a profession where few blacks have made it to the top. "It is not talked about much, but there is powerful symbolism in the fact that he is the first black chairman of the Joint Chiefs," says Elliot Cohen of the Johns Hopkins School of Advanced International Studies. Powell is only the fourth black in the country's history to reach four-star rank, following a trail blazed by Air Force Gen. Daniel "Chappie" James Jr., Army Gen. Roscoe Robinson Jr. and Air Force Gen. Bernard P. Randolph.

Some segments of the black community, however, feel a certain ambivalence about him, sparked by persistent doubts about the fairness of the all-volunteer military force. With young blacks, who make up 14% of the population at large, constituting 22% of the enlisted ranks, critics suggest that the country has, in effect, an economic draft.

The chairman himself is unequivocal in defense of the Army and the system. "I wish that there were other activities in our society and in our nation that were as open as the military is to upward mobility, to achievement to allowing them in," he told the House Armed Services Committee this year. "I wish that corporate America, I wish the trade unions around the nation would show the same level of openness and opportunity to minorities that the military has."

"The fact that we have a higher percentage than the percentage that exists in the general population doesn't trouble me at all. That's why I came in, to get a job—\$222.30 a month."

"You've done well," Rep. Beverly B. Byron (D-Md.) observed.

"I ain't done bad," he replied.

But for his encouraging parents and a sudden love affair with the military, Colin Powell's horizons might never have reached beyond the South Bronx.

The son of Jamaican immigrants, both of whom are deceased, Powell grew up in the

neighborhood that is now the symbol of urban blight. But during his childhood, it was a cultural melting pot populated by traditional families who embraced middle-class values and entertained middle-class aspirations. His father was a garment-district salesclerk, his mother a seamstress. Both insisted on their son's going to college, although he was an indifferent student at Morris High School.

Powell entered the City College of New York in 1954 as a prospective engineering major. But when a professor asked him to visualize a cone intersecting a plane in space, he quickly discovered a distinct lack of aptitude for mathematics and switched to geology.

He found his real niche in ROTC, earning A's in military science, which kept his overall grade-point average at a passing level. On graduation day in 1958, he proudly pinned on the "butter bars" of a second lieutenant but had no long-range plans for an Army career.

Indeed, he did not give his future serious thought until he met Alma Vivian Johnson on a blind date two years later and began thinking of marriage. They were wed in 1962. Four months later, he was ordered to Vietnam. Alma, then pregnant, moved home to Birmingham, Ala., to live with her parents. When their first child was born, he was in the jungle as an adviser to a South Vietnamese infantry battalion; the news didn't reach him for three weeks.

The Powells now have three children: Michael, 28, who left the Army to become a civilian employee of the Defense Department after being critically injured in a jeep accident; Linda, 25, an actress in New York, and Annemarie, 20, a student at the College of William and Mary.

Powell relaxes by reading biographies and military histories, tinkering with vintage Volvos and watching old movies. One night, just before the air war began, he went home to relax, but every television station was carrying war news. So he and Alma spent the evening watching a video, "Witness for the Prosecution." His favorite dish is ground beef prepared any of a hundred ways, and good old peanut-butter-and-jelly sandwiches. He has taken exactly one vacation since becoming chairman—a long weekend more than a year ago visiting friends outside of New York City.

Powell's military career for "the first bunch of years was routine," he says. He led an infantry platoon, commanded a rifle company, and along the way completed airborne training and Ranger school. Two tours in Vietnam brought him combat experience, a Soldier's Medal for valor (he rescued his commanding officer from a burning helicopter) and a Purple Heart for bad luck (he punctured his left foot in a Vietnamese booby trap).

The second tour in Vietnam presented him with his first chance to break out of the pack. In 1969, he graduated second in his class at the Command and General Staff College at Ft. Leavenworth, Kan., which got his picture into the Army Times. The commander of the Americal Division saw it, yanked Powell up to headquarters at Chu Lai and made him operations officer, although he was still a major.

The pivotal moment came three years later when he was just out of George Washington University graduate school, where the Army had sent him for a master's degree in business administration. Toiling in a Pentagon staff job and hoping for a chance to command an infantry battalion, he instead was ordered to apply for a prestigious White

House fellowship—the Army's chief of personnel wanted an infantry officer to increase the branch's prestige.

The fellows program is designed to speed young Americans of exceptional promise on their way to leadership by giving them a year's experience working with top Administration officials. Competition for the spots is brutal, the selection process excruciating.

Powell, who was 35, turned in his application without enthusiasm. "It really didn't mean anything to me whether I made it or whether I didn't until I got into the competition," he recalls. "But I made it, and I was the oldest fellow in the group."

"He was serious, but not terribly intense about it," says fellow finalist James E. Bostic, now president of the Bulter Paper Co. in Denver. "But when the resumes were sent around, his choice of assignment was the Office of Management and Budget. He knew that was where the action was."

At OMB, he caught the eye of director Casper W. Weinberger and his deputy, Frank C. Carlucci, who both played crucial roles in his rise. "I saw politics for the first time, I saw high policy for the first time, so that was a defining experience," Powell says.

But more than that, he says, the year around the White House complex taught him that, in Washington, "the whole thing is greased by compromise and consensus" and that there is as much to be learned from the people who fail as from people who succeed. "If you think all the sisters are virtuous and all the brothers are noble," Powell tells new arrivals, "you are going to be disappointed."

In the view of his admirers and many Pentagon veterans, no chairman in history ever reached the job better prepared. Powell's long run of working for key civilians in the Defense Department began when he was named executive assistant to John G. Kester, the civilian aide to Carter's defense secretary, Harold Brown. Kester had each of the military services provide him the names of top prospects. Powell turned up on the Army list, and Kester asked him to come in for an interview.

"He had a very good, direct personality," says Kester. "He gave me the sense that he was a very straight dealer. Right away, he said something like, 'How did you happen to bring me in here?' And I said, 'I checked you out, and I heard a lot of good things about you.' He said, 'Well, as matter of fact, I checked you out, too, and it wasn't all good.'" Powell delivered the line with a disarming grin, and Kester was impressed with his candor.

Indeed, from the White House Fellowship selection through the windup of the Gulf War, good fortune has been Powell's faithful companion. But, although the long hitches working for Defense Department officials made him powerful friends, they took him away from coveted command jobs.

He was a brigade commander in the 101st Airborne Division and on bivouac with his troops at Ft. Campbell, Ky., when a call on a field telephone summoned him to work for Kester. Then, in 1987, six months after he took command of 75,000 troops in V Corps in Germany, a personal call from Ronald Reagan brought him to the White House to become deputy national security adviser under Carlucci.

He had twice turned down overtures from Carlucci before finally accepting the assignment, but the timing of the White House assignment made it another gigantic opportunity. Arriving in the wake of the Iran-Contra affair, Powell had a chance to help reform the National Security Council operation and cleanse its sullied reputation.

Kenneth Duberstein, Reagan's last chief of staff, credits Carlucci and Powell with breaking down barriers that had developed around the council and restoring it to political control. "They understood that never again could the NSC operate in the secret atmosphere that existed in the Iran-Contra period," Duberstein says. "It had to be a part of the team. Carlucci and Powell brought it back."

At the same time, Powell made more powerful friends, including Howard Baker, who served as White House chief of staff in the waning days of the Reagan Administration. Not long after Baker's arrival at the White House in 1987, Weinberger stepped down as defense secretary because of his wife's declining health. In a meeting in the Oval Office, the Pentagon chief told Reagan of his decision, and urged the President to name as his successor Deputy Defense Secretary William Howard Taft IV, a pleasant but colorless bureaucrat.

But Baker urged that Carlucci be considered for the Pentagon. The President insisted that he needed Carlucci in the national security post. "You've got a man behind Frank who will be just as good," Baker told Reagan. So, Powell became the President's national security adviser, squarely on the fast track from foot soldier to politician.

Powell's ascent to the nation's highest military post on Oct. 3, 1989, was heralded by martial pomp on the broad lawn of the Pentagon's river entrance: brass bands, speeches, a review of the Army's Old Guard. But the general's mind was elsewhere. As he took the oath of office, an aide stood by with a secure cellular telephone, occasionally whispering messages into the general's ear about the rapidly unfolding intrigue in Panama, where a band of rebel military officers was attempting to overthrow dictator Manuel A. Noriega.

The Pentagon had been alerted to the possibility of a coup two days earlier—Powell's first official day as chairman—when rebel leaders contacted U.S. officers in Panama City to ask for American military intervention to back up the plan. Powell recommended to President Bush that the United States withhold aid to the insurgents, despite Bush's repeated calls for the overthrow of the tyrant. Powell believed that events were moving too quickly for U.S. forces to have a decisive impact. Noriega quickly quashed the coup and executed its leaders.

The takeover attempt prompted Powell, on his first day in office, to confront the central question faced by all military leaders—when and how to use force. Powell and many of his colleagues had come away from Vietnam convinced that a clear statement of mission is a prerequisite to any military action, that military power should not be applied incrementally, that firm public support is essential and that political authorities should not meddle in purely military decisions.

But Powell eventually agreed to the controversial policy of using 25,000 U.S. troops as a posse to round up Noriega, an effort that left the military red-faced for four days before the dictator turned himself in at the residence of the Vatican's representative in Panama on Christmas Eve.

During the tense days following the December 20 invasion, Powell was frequently on the telephone to the commander in charge of the operation, Gen. Maxwell R. Thurman, probing the progress of the Noriega hunt, asking about the sporadic resistance still offered by the "Dignity Battalions," inquiring about the constantly changing estimates of Panamanian troops and civilians killed in the lightning assault by U.S. paratroopers.

The frustration of the search for Noriega left a lasting impression. When the Air Force and other elements in the Pentagon later advocated a strategy of personally targeting Saddam Hussein, Powell overruled them, although he did approve air strikes against all of the Iraqi leader's known headquarters, homes and places of refuge.

"We're not targeting him per se," Powell said a day after the air attack on Iraq began. "We are not, because, frankly, I have learned from previous experience how difficult it can be to track a head of state."

During these and other crises, Powell's style is often to question as much as to command. An aide to Army Chief of Staff Gen. Carl E. Vuono said it is unusual to spend 20 minutes in the boss's office without Powell calling on the phone to ask about some matter. In times of crisis, Pete Williams, the Pentagon's chief spokesman, hears from the chairman a dozen or more times a day.

"He doesn't often express annoyance or anger. He doesn't belittle his staff," says aide Smullen. But if he's disappointed, the offender knows it. "Sometimes it's just a look"—but an unmistakable, withering look, Smullen says.

It was, Powell insists, an innocent answer to a question from a reporter. But the incident—the first and apparently only time he angered the secretary of defense—marked the nearest that Powell has ever come in his career to violating a sacred canon in the U.S. political system: absolute civilian control of the military.

Throughout his tour as chairman, Powell has seen the implosion of the Soviet empire, a changed American role in the world and the demand for drastic cuts in U.S. defense spending. In response, the military is undergoing the broadest restructuring in its history.

Powell quickly realized that Congress and politicians would define the size and shape of the military unless military leaders accepted the inevitable reductions and seized the initiative. So, last April, in the midst of the internal debate about the shape of the future armed forces, he fired a shot across the bow of the Administration by spelling out, in a newspaper interview, his minimum requirements for the military at the end of the century.

If Congress and the Administration insisted on troop and spending cuts greater than 25%, the United States would cease to be a superpower, Powell said. He went on to detail his concept of an irreducible "base force"—one able to respond to crises in Europe, the Pacific and the developing world, while maintaining a strategic deterrent of nuclear-armed bombers, missiles and submarines. The plan had been under study in the Pentagon for months; while the politicians wrangled over how to define and present the plan—and how to pay for it—Powell went public.

"Colin wanted that idea out on the table quickly, even before Cheney was ready to discuss it publicly. Cheney wanted to play his cards closer to the vest," a senior aide to Cheney says. "We considered it a preemption of the secretary."

Cheney chose not to make a public issue of Powell's trespass but made his displeasure known privately and then dropped the issue, according to a Cheney aide. Cheney says only that Powell since has been "very, very cautious, very very careful to operate as chairman of the Joint Chiefs of Staff and to have respect for civilian authority."

Since the incident, particularly in their management of the Gulf crisis, the Cheney-

Powell partnership has become so close that Pentagon wags call them "Lethal Weapon," after a pair of violence-prone, black and white cops in the movies.

The global force plan that Powell prematurely disclosed was to have been unveiled by President Bush on August 2; Cheney and Powell were going to brief Congress later that day on the blueprint for America's future force structure. Iraq's invasion of Kuwait preempted the show, but it only delayed the inevitable debate. And it is there that Colin Powell will likely leave his most lasting mark.

The first big fights on how to cut U.S. forces by 25% have been fought, Powell notes, and they cost the Army 10 divisions, the Navy two aircraft carrier battle groups, the Air Force nine air wings. "But there are a few battles still out there," he says. "There are some out-year problems [budget choices in the future] that we finessed, and I am not going to talk about them. There are a couple of force structure issues out there that are dillies."

Powell apparently is referring to a restructuring of the regional command system, under which theater commanders such as Schwarzkopf would control forces assembled from all four military branches. The erosion of service power is certain to accelerate if Powell's force structure plan is adopted. One of the most bitter fights will come when command of the Navy's nuclear submarine fleet is transferred to a new strategic forces command that will include the Air Force's bombers and missiles.

The battles will play out over the next five years, but the next 18 months promise to be the most painful—inevitable force reductions frozen because of the war now must occur. Powell's beloved Army, for example, must shrink from its current strength of 770,000 men and women to 536,000 by 1996. Among the victims will be many veterans of Desert Storm. An aide to Army Chief of Staff Vuono says that the Army faces the unpleasant prospect of "handing out Purple Hearts and pink slips in the same envelope."

Squabbles over such things as command configuration may have a profound effect on the U.S. military into the next century, but the shadowboxing and jockeying for partisan political position are what really fascinate Washingtonians.

After one columnist evaluated the discussions about Powell's possibly replacing Quayle on the GOP ticket next year, the general issued a sharp denial, even if it wasn't quite Shermansque. "I am chairman of the Joint Chiefs of Staff, and I intend to remain as chairman of the Joint Chiefs of Staff as long as the President wishes me to serve," he said. "No one ever discussed this subject [the vice presidency] with me, and I know of no reason why this subject should be discussed," he said. "This is speculation that exists in the minds of people who have to write columns."

But given his association with the Reagan and Bush administrations, Republicans naturally consider him a potential four-star politician. "I think this guy could be a political candidate," says Richard S. Williamson, a White House and State Department official during the Reagan Administration. "You have to ask whether he can ask for votes and whether he can ask for money. I think he can. Can he do television? Clearly. Does he have substance? In his field, obviously. The man who captured the drug kingpin and saved the Western World from the devil in the Middle East would have to be a viable candidate. If he called me in 1995, and said, 'I

would like to talk with you about 1996,' you bet I would be on a plane."

Another colleague of the general's from the Reagan White House suggests that Powell has not thought through his own political views on social and domestic issues. But some old friends contend that he personally has no affinity for Republican domestic policies.

GOP leaders "don't know what Colin Powell thinks about urban enterprise zones; they don't know what he thought about the 1990 civil rights bill; they don't know what he thinks about a great many important issues," says a friend of long standing. "If they really knew what he thinks, they might not like him very much at all."

Maybe in the coming months, some of these mysteries will be cleared up. Powell, the soldier who loves a good scrap, clearly relishes the coming conflict. He was speaking about future congressional battles but might have been talking more generally when he said, in his throaty chuckle, "Now let the games begin."

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I wanted to salute the gentleman from California [Mr. TORRES] for bringing forward this bill and the earlier bill today which honored General Schwarzkopf.

I would like to make one comment: As I said earlier in the well, I represent the city of Louisville, the Kentucky Derby town, and part of our Derby festival is the Pegasus Parade. We just learned yesterday that General Schwarzkopf has accepted the role of grand marshal of the Derby parade.

I want to say this is a very good moment in time to salute General Schwarzkopf and General Powell for their remarkable contributions to Desert Storm.

Mr. Speaker, we are looking forward to having a chance to honor General Schwarzkopf in Louisville.

I thank the gentleman from California and salute him for his work.

Mr. TORRES. Mr. Speaker, I thank the gentleman from Kentucky for his kind comments.

Mr. Speaker, I urge my colleagues to pass this bill.

Mr. MONTGOMERY. Mr. Speaker, I rise to support this bill, S. 565, to authorize and award a Congressional Gold Medal to Gen. Colin L. Powell, Chairman of the Joint Chiefs of Staff.

We were indeed fortunate to have General Powell in this key military leadership position during the Persian Gulf war. He was on top of every detail of the operation and was able to offer steady and reasoned advice to President Bush every step of the way. Once the decision was made to fight, General Powell's advice and input were important in helping shape the brilliant battle plan that resulted in the total defeat of Saddam Hussein's army.

This gold medal is a very appropriate way to show General Powell that the Congress and this country appreciate his service and his leadership at this critical time in our country's

history. I urge all my colleagues to support this legislation.

Mr. ASPIN. Mr. Speaker, I rise today in support of the bill, S. 565, an act to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell. The striking of this medal for presentation to General Powell, U.S. Army, is in recognition of his distinguished leadership as Chairman of the Joint Chiefs of Staff and the principal military adviser to the President, the National Security Council, and the Secretary of Defense in the planning and execution of the military response of the United States, in coordination with allied coalition forces, to the invasion of Kuwait by Iraq.

General Powell's leadership and foresight were responsible for ensuring that sufficient military forces and support were committed to the Desert Storm and Desert Shield operations in a timely manner and advising the President on the development of a military strategy that resulted in a swift and decisive military victory with minimum casualties and loss of life.

Several years ago Congress took action to ensure that the responsibility for providing military advice to the President, National Security Council, and Secretary of Defense would rest with the Chairman of the Joint Chiefs of Staff rather than the JCS Committee. As with the changes in the authorities granted the combatant commanders, by freeing its most senior military officer from organizational obstacles that might inhibit his ability to advise our senior civilian leadership, Congress demonstrated its confidence in the competence and leadership qualities of the military officer corps. General Powell and General Schwarzkopf exemplify the types of leaders Congress had hoped would rise to these critical positions, and they have proven that our trust was not misplaced.

General Powell certainly ranks among the distinguished military leaders of this Nation who have received the Congressional Gold Medal, such as General of the Army George Catlett Marshall and Fleet Adm. Ernest Joseph King, who distinguished themselves in the planning, equipping, training, and deployment of the forces of the United States in World War II. And his recognition in this manner is certainly well deserved.

Although we are taking up the Senate bill today, it is very similar to a House measure sponsored by myself and Congressmen DICKINSON, HUTTO, BILBRAY, and HEFLEY, H.R. 1687. We are all proud to be sponsors of this measure as an indication of our Nation's gratitude for General Powell's contributions to the success of Operations Desert Shield and Desert Storm.

Mr. ANNUNZIO. Mr. Speaker, Gen. Colin L. Powell has had an illustrious military career. Born in Harlem and raised in the south Bronx to Jamaican immigrants, he joined ROTC while at City College of New York. He found the military reinforced traditional American values and instilled discipline and pride. General Powell, of course, became the first black Chairman of the Joint Chiefs of Staff and the youngest, at 52. As the principal military adviser to the President and the Secretary of Defense, General Powell was the chief architect for the quick and decisive victory over Iraq in the Persian Gulf war.

Because of his outstanding performance, I want to support legislation to authorize the President to award a Congressional Gold Medal to General Powell, a true American hero.

Congress has awarded the gold medal in the past, Mr. Speaker, beginning with the first going to Gen. George Washington and, subsequently, John Paul Jones. And in more recent times, Generals Pershing, Marshall, Eisenhower, and MacArthur, just to name a few of the great Americans throughout the history of our country.

Mr. Speaker, as I said a few moments ago, General Powell is and has been an outstanding soldier. He has fully earned the accolade paid to only a few of his predecessors. He is truly a soldier's soldier. He is a commander who has risen to his present position by displaying at every single level unique leadership, perseverance, and toughness.

The Congressional Gold Medal is most appropriate because it is unprecedented in history: The relationship between the executive branch and the legislative branch; the cooperation that we have had at all times during this conflict; the consultative process instituted by the President; the briefings instituted by the Secretary of Defense and General Powell for the Congress.

So, in part, this is a recognition by Congress of their establishing new relationships between the two branches of the Government.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 565.

The question was taken.

Mr. HUTTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provision of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on both motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today, and then on the motion to suspend the rules postponed on Wednesday, April 10.

Votes will be taken in the following order:

S. 534, by the yeas and nays;

S. 565, by the yeas and nays; and

H.R. 1047, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

GOLD MEDAL TO GEN. H. NORMAN SCHWARZKOPF

The SPEAKER pro tempore (Mr. McNULTY). The pending business is the question of suspending the rules and passing the Senate bill, S. 534.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 534, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, answered "present" 1, not voting 25, as follows:

[Roll No. 63]

YEAS—405

Abercrombie	Cooper	Grandy
Ackerman	Costello	Green
Alexander	Coughlin	Guarini
Allard	Cox (CA)	Gunderson
Anderson	Cox (IL)	Hall (OH)
Andrews (ME)	Coyne	Hall (TX)
Andrews (NJ)	Cramer	Hamilton
Andrews (TX)	Crane	Hammerschmidt
Annunzio	Cunningham	Hancock
Anthony	Dannemeyer	Hansen
Applegate	Darden	Harris
Archer	Davis	Hatcher
Armey	DeFazio	Hayes (IL)
Aspin	DeLauro	Hayes (LA)
Atkins	DeLay	Hefley
AuCoin	Dellums	Hefner
Bacchus	Derrick	Henry
Baker	Dickinson	Herger
Ballenger	Dicks	Hertel
Barnard	Dingell	Houglan
Barrett	Donnelly	Hobson
Barton	Dooley	Hochbrueckner
Bateman	Doolittle	Holloway
Bellenson	Dorgan (ND)	Hopkins
Bennett	Downey	Horn
Bentley	Duncan	Horton
Bereuter	Durbin	Houghton
Berman	Early	Hoyer
Bilbray	Eckart	Hubbard
Bilirakis	Edwards (CA)	Huckaby
Bliley	Edwards (TX)	Hughes
Boehliert	Emerson	Hutto
Boehner	Engel	Hyde
Bonior	English	Inhofe
Borski	Erdreich	Ireland
Boucher	Espey	Jacobs
Boxer	Evans	James
Brewster	Fascell	Jefferson
Brooks	Fawell	Jenkins
Broomfield	Fazio	Johnson (CT)
Browder	Feighan	Johnson (SD)
Brown	Fields	Johnston
Bruce	Fish	Jones (GA)
Bryant	Flake	Jones (NC)
Bunning	Foglietta	Jontz
Burton	Ford (MI)	Kanjorski
Bustamante	Ford (TN)	Kaptur
Byron	Frank (MA)	Kasich
Callahan	Franks (CT)	Kennedy
Camp	Frost	Kennelly
Campbell (CA)	Galleghy	Kildee
Campbell (CO)	Gallo	Klecza
Cardin	Gaydos	Klug
Carper	Gejdenson	Kolter
Carr	Gekas	Kopetski
Chandler	Gephardt	Kostmayer
Chapman	Gibbons	Kyl
Clay	Gilchrest	LaFalce
Clement	Gillmor	Lagomarsino
Clinger	Gilman	Lancaster
Coble	Gingrich	Lantos
Coleman (MO)	Glickman	LaRocco
Coleman (TX)	Gonzalez	Laughlin
Collins (MI)	Goodling	Leach
Condit	Goss	Lehman (CA)
Conyers	Gradison	Lent
		Levin (MI)

Lewis (CA)	Packard	Skaggs
Lewis (FL)	Pallone	Skeen
Lewis (GA)	Panetta	Skelton
Lightfoot	Parker	Slatery
Lipinski	Patterson	Slaughter (NY)
Livingston	Paxon	Slaughter (VA)
Lloyd	Payne (NJ)	Smith (FL)
Long	Payne (VA)	Smith (IA)
Lowery (CA)	Pease	Smith (NJ)
Lowey (NY)	Pelosi	Smith (OR)
Luken	Penny	Smith (TX)
Machtley	Perkins	Snowe
Manton	Peterson (FL)	Solomon
Markey	Peterson (MN)	Spence
Martin	Petri	Spratt
Martinez	Pickett	Staggers
Matsui	Pickle	Stallings
Mavroules	Porter	Stark
Mazzoli	Poshard	Stearns
McCandless	Price	Stenholm
McCloskey	Pursell	Stokes
McCollum	Quillen	Studds
McCrery	Rahall	Stump
McCurdy	Ramstad	Sundquist
McDade	Rangel	Swett
McDermott	Ravenel	Swift
McEwen	Ray	Synar
McGrath	Reed	Tallion
McHugh	Regula	Tanner
McMillan (NC)	Rhodes	Tauzin
McMillan (MD)	Richardson	Taylor (MS)
McNulty	Ridge	Taylor (NC)
Meyers	Riggs	Thomas (CA)
Mfume	Rinaldo	Thomas (GA)
Michel	Ritter	Thomas (WY)
Miller (CA)	Roberts	Thornton
Miller (OH)	Roe	Torres
Miller (WA)	Roemer	Torricelli
Mineta	Rogers	Towns
Mink	Rohrabacher	Trafficant
Moakley	Ros-Lehtinen	Traxler
Molinari	Rose	Unsoeld
Mollohan	Rostenkowski	Upton
Montgomery	Roth	Valentine
Moody	Roukema	Vander Jagt
Moorhead	Rowland	Vento
Moran	Roybal	Visclosky
Morella	Russo	Vucanovich
Morrison	Sabo	Washington
Mrazek	Sanders	Waters
Murphy	Sangmeister	Waxman
Murtha	Santorum	Weber
Nagle	Sarpalius	Weiss
Natcher	Sawyer	Weldon
Neal (MA)	Saxton	Wheat
Neal (NC)	Schaefer	Whitten
Nichols	Schiff	Wilson
Nowak	Schroeder	Wise
Nussle	Schulze	Wolf
Oaker	Schumer	Wolpe
Oberstar	Sensenbrenner	Wyden
Oberstar	Serrano	Wyllie
Obe	Sharp	Yates
Olin	Shaw	Yatron
Ortiz	Shays	Young (AK)
Orton	Shuster	Young (FL)
Owens (NY)	Sikorski	Zeliff
Owens (UT)	Siskisky	Zimmer
Oxley		

NAYS—0

ANSWERED "PRESENT"—1

Savage

NOT VOTING—25

Bevill	Geren	Scheuer
Collins (IL)	Gray	Solarz
de la Garza	Hastert	Udall
Dixon	Hunter	Volkmer
Dornan (CA)	Kolbe	Walker
Dreier	Lehman (FL)	Walsh
Dwyer	Levine (CA)	Williams
Dymally	Marlenee	
Edwards (OK)	Myers	

□ 1400

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

GOLD MEDAL TO GEN. COLIN L. POWELL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 565.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 565, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, answered "present" 1, not voting 30, as follows:

[Roll No. 64]

YEAS—400

Abercrombie	Camp	Emerson
Ackerman	Campbell (CA)	Engel
Alexander	Campbell (CO)	English
Allard	Cardin	Erdreich
Anderson	Carper	Espey
Andrews (ME)	Carr	Evans
Andrews (NJ)	Chandler	Fascell
Andrews (TX)	Chapman	Fawell
Annunzio	Clay	Fazio
Applegate	Clement	Feighan
Archer	Clinger	Fields
Armey	Coble	Fish
Aspin	Coleman (MO)	Flake
Atkins	Coleman (TX)	Foglietta
AuCoin	Collins (MI)	Ford (MI)
Bacchus	Combest	Ford (TN)
Baker	Condit	Frank (MA)
Ballenger	Conyers	Franks (CT)
Barnard	Cooper	Frost
Barrett	Costello	Galleghy
Bateman	Coughlin	Gallo
Bellenson	Cox (CA)	Gaydos
Bennett	Cox (IL)	Gejdenson
Bentley	Coyne	Gekas
Bereuter	Crane	Gephardt
Berman	Cunningham	Gibbons
Bilbray	Dannemeyer	Gilchrest
Bilirakis	Darden	Gillmor
Bliley	Davis	Gilman
Boehliert	DeFazio	Gingrich
Boehner	DeLauro	Glickman
Bonior	DeLay	Gonzalez
Borski	Dellums	Goodling
Boucher	Derrick	Gordon
Boxer	Dickinson	Goss
Brewster	Dicks	Gradison
Brooks	Dingell	Grandy
Broomfield	Donnelly	Green
Browder	Dooley	Gunderson
Brown	Doolittle	Hall (OH)
Bruce	Dorgan (ND)	Hall (TX)
Bryant	Downey	Hamilton
Bunning	Duncan	Hammerschmidt
Burton	Durbin	Hancock
Bustamante	Early	Hansen
Byron	Eckart	Harris
Callahan	Edwards (CA)	Hatcher
	Edwards (TX)	Hayes (IL)

Hayes (LA)	Meyers	Santorum
Hefley	Mfume	Sarpallius
Hefner	Michel	Sawyer
Henry	Miller (CA)	Saxton
Herger	Miller (OH)	Schaefer
Hertel	Miller (WA)	Schiff
Hoagland	Mineta	Schroeder
Hobson	Mink	Schulze
Hochbrueckner	Moakley	Schumer
Holloway	Molinar	Sensenbrenner
Hopkins	Mollohan	Serrano
Horn	Montgomery	Sharp
Horton	Moody	Shaw
Houghton	Moorhead	Shays
Hoyer	Moran	Shuster
Hubbard	Morella	Sikorski
Huckaby	Morrison	Siskis
Hughes	Mrazek	Skaggs
Hutto	Murphy	Skeen
Hyde	Murtha	Skelton
Inhofe	Nagle	Slattery
Ireland	Natcher	Slaughter (NY)
Jacobs	Neal (MA)	Slaughter (VA)
James	Neal (NC)	Smith (FL)
Jefferson	Nichols	Smith (IA)
Jenkins	Nowak	Smith (NJ)
Johnson (CT)	Nussle	Smith (OR)
Johnson (SD)	Oaker	Smith (TX)
Johnston	Oberstar	Snowe
Jones (GA)	Obey	Solomon
Jones (NC)	Olin	Spence
Jontz	Ortiz	Spratt
Kanjorski	Orton	Staggers
Kaptur	Owens (NY)	Stallings
Kasich	Owens (UT)	Stark
Kennedy	Oxley	Stearns
Kennelly	Packard	Stenholm
Kildee	Pallone	Stokes
Klecicka	Panetta	Studds
Klug	Parker	Stump
Kolter	Patterson	Sundquist
Kopetski	Paxon	Swett
Kostmayer	Payne (NJ)	Swift
Kyl	Payne (VA)	Synar
LaFalce	Pease	Tallon
Lagomarsino	Pelosi	Tanner
Lancaster	Penny	Tauzin
Lantos	Perkins	Taylor (MS)
LaRocco	Peterson (FL)	Taylor (NC)
Laughlin	Peterson (MN)	Thomas (CA)
Leach	Petri	Thomas (GA)
Lehman (CA)	Pickett	Thomas (WY)
Lent	Pickle	Thornton
Levin (MI)	Porter	Torres
Lewis (CA)	Poshard	Torricelli
Lewis (FL)	Price	Towns
Lewis (GA)	Pursell	Trafficant
Lightfoot	Quillen	Traxler
Lipinski	Rahall	Unsold
Livingston	Ramstad	Upton
Lloyd	Rangel	Valentine
Long	Ravenel	Vander Jagt
Lowery (CA)	Ray	Vento
Lowey (NY)	Reed	Visclosky
Luken	Regula	Vucanovich
Machtley	Rhodes	Washington
Manton	Richardson	Waters
Markey	Ridge	Waxman
Martin	Riggs	Weber
Martinez	Rinaldo	Weiss
Matsui	Ritter	Weldon
Mavroules	Roberts	Wheat
Mazzoli	Roe	Whitten
McCandless	Roemer	Wise
McCloskey	Rogers	Wolf
McCollum	Rohrabacher	Wolpe
McCrery	Ros-Lehtinen	Wyden
McCurdy	Rose	Wyllie
McDade	Rostenkowski	Yates
McDermott	Roth	Yatron
McEwen	Roukema	Young (AK)
McGrath	Rowland	Young (FL)
McHugh	Roybal	Zeliff
McMillan (NC)	Russo	Zimmer
McMillen (MD)	Sabo	
McNulty	Sangmeister	

NAYS—0

ANSWERED "PRESENT"—1

Savage

NOT VOTING—30

Barton	Cramer	Dornan (CA)
Bevill	de la Garza	Dreier
Collins (IL)	Dixon	Dwyer

Dymally	Kolbe	Solarz
Edwards (OK)	Lehman (FL)	Udall
Geren	Levine (CA)	Volkmer
Gray	Marlenee	Walker
Guarini	Myers	Walsh
Hastert	Sanders	Williams
Hunter	Scheuer	Wilson

□ 1410

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Speaker, as previously stated, on Thursday, April 11, 1991 I was unable to be on the House floor during the following votes:

S. 534, to award a gold medal to Gen. H. Norman Schwarzkopf.

S. 565, to award a gold medal to Gen. Colin L. Powell.

Had I been present I would have voted "yes" on both bills.

During the time of these votes, I was attending the funeral of Navy Lt. Patrick Connor of Marcellus, NY, who lost his life during the recently completed Desert Storm military operation. The family of Lieutenant Connor, William and Marsha Connor, invited me to attend the services in honor of their son, held at Arlington Cemetery on Thursday afternoon.

I felt a very strong obligation to offer my personal support to the Connor family who lost so much when Patrick died during a bombing mission over the Persian Gulf on February 2, 1991. It was for this reason I could not cast my votes in support of the bills previously mentioned.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, I am required to return to Montana because of family responsibilities. I will thus be absent for votes on gold medals for General Powell and General Schwarzkopf and H.R. 1047, the Veterans Benefits Improvement Act.

It is my intention, had I been present, to vote yes on the gold medals for Generals Powell and Schwarzkopf and the Veterans Benefits Improvement Act.

PERSONAL EXPLANATION

Mr. GEREN of Texas. Mr. Speaker, I was unable to vote on S. 534, gold medal for Gen. H. Norman Schwarzkopf; S. 565, gold medal for Gen. Colin L. Powell; and H.R. 1047, Veterans' Benefits Improvement Act, because of a meeting I was attending at the Pentagon with Secretary of Defense Dick Cheney regarding Carswell Air Force Base in Fort Worth, TX. I would have voted "aye" on S. 534, S. 565, and H.R. 1047 if I had voted on Thursday.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, during rollcall vote No. 64 on S. 565 I was unavoidably detained. Had I been present I would have voted "yes."

VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT OF 1991

The SPEAKER pro tempore (Mr. ANDREWS of Maine). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1047, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1047, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 29, as follows:

[Roll No. 65]

YEAS—399

Abercrombie	Coble	Geldenson
Ackerman	Coleman (MO)	Gekas
Alexander	Coleman (TX)	Gephardt
Allard	Collins (MI)	Gibbons
Anderson	Combest	Gilchrest
Andrews (ME)	Condit	Gillmor
Andrews (NJ)	Cooper	Gilman
Andrews (TX)	Costello	Gingrich
Annunzio	Coughlin	Glickman
Anthony	Cox (CA)	Gonzalez
Applegate	Cox (IL)	Goodling
Archer	Coyne	Gordon
Armey	Cramer	Goss
Aspin	Crane	Grandy
Atkins	Cunningham	Gray
AuCoin	Dannemeyer	Green
Bacchus	Darden	Guarini
Baker	Davis	Gunderson
Ballenger	DeFazio	Hall (OH)
Barnard	DeLauro	Hall (TX)
Barrett	DeLay	Hamilton
Bateman	Dellums	Hammerschmidt
Beilenson	Derrick	Hancock
Bennett	Dickinson	Hansen
Bentley	Dicks	Harris
Bereuter	Dingell	Hatcher
Berman	Donnelly	Hayes (IL)
Bilbray	Dooley	Hayes (LA)
Bilirakis	Doolittle	Hefley
Billie	Dorgan (ND)	Hefner
Boehlert	Downey	Henry
Boehner	Duncan	Herger
Bonior	Durbin	Hertel
Borski	Early	Hoagland
Boucher	Eckart	Hobson
Boxer	Edwards (CA)	Hochbrueckner
Brewster	Edwards (TX)	Holloway
Brooks	Emerson	Hopkins
Broomfield	Engel	Horn
Browder	English	Horton
Brown	Erdreich	Houghton
Bruce	Espy	Hoyer
Bryant	Evans	Hubbard
Bunning	Fascell	Huckaby
Burton	Fawell	Hughes
Bustamante	Fazio	Hutto
Byron	Feighan	Hyde
Callahan	Fields	Inhofe
Camp	Fish	Ireland
Campbell (CA)	Flake	Jacobs
Campbell (CO)	Foglietta	James
Cardin	Ford (MI)	Jefferson
Carper	Ford (TN)	Jenkins
Carr	Frank (MA)	Johnson (CT)
Chapman	Franks (CT)	Johnson (SD)
Clay	Gallely	Johnston
Clement	Gallo	Jones (GA)
Clinger	Gaydos	Jones (NC)

Jontz	Neal (MA)	Serrano
Kanjorski	Neal (NC)	Sharp
Kaptur	Nichols	Shaw
Kasich	Nowak	Shays
Kennedy	Oakar	Shuster
Kennelly	Oberstar	Sikorski
Kildee	Obey	Sisisky
Kleccka	Olin	Skaggs
Klug	Ortiz	Skeen
Kolter	Orton	Skelton
Kopetski	Owens (NY)	Slattery
Kostmayer	Owens (UT)	Slaughter (NY)
Kyl	Oxley	Slaughter (VA)
LaFalce	Packard	Smith (FL)
Lagomarsino	Pallone	Smith (IA)
Lancaster	Panetta	Smith (NJ)
Lantos	Parker	Smith (OR)
LaRocco	Patterson	Smith (TX)
Laughlin	Paxon	Snowe
Leach	Payne (NJ)	Solomon
Lehman (CA)	Payne (VA)	Spence
Lent	Pease	Spratt
Levin (MI)	Pelosi	Staggers
Lewis (CA)	Penny	Stallings
Lewis (FL)	Perkins	Stark
Lewis (GA)	Peterson (FL)	Stearns
Lightfoot	Peterson (MN)	Stenholm
Lipinski	Petri	Stokes
Livingston	Pickett	Studds
Lloyd	Pickle	Stump
Long	Porter	Sundquist
Lowery (CA)	Poshard	Swett
Lowey (NY)	Price	Swift
Luken	Pursell	Synar
Machtley	Quillen	Tallon
Manton	Rahall	Tanner
Markey	Ramstad	Tauzin
Martin	Rangel	Taylor (MS)
Martinez	Ravenel	Taylor (NC)
Matsui	Ray	Thomas (CA)
Mavroules	Reed	Thomas (GA)
Mazzoli	Regula	Thomas (WY)
McCandless	Rhodes	Thornton
McCloskey	Richardson	Torres
McCollum	Ridge	Torricelli
McCrery	Riggs	Towns
McDade	Rinaldo	Trafficant
McDermott	Ritter	Traxler
McEwen	Roberts	Unsoeld
McGrath	Roe	Upton
McHugh	Roemer	Valentine
McMillan (NC)	Rogers	Vander Jagt
McMillen (MD)	Rohrabacher	Vento
McNulty	Ros-Lehtinen	Visclosky
Meyers	Rose	Vucanovich
Mfume	Rostenkowski	Walsh
Miller (CA)	Roth	Washington
Miller (OH)	Roukema	Waters
Miller (WA)	Rowland	Waxman
Mineta	Roybal	Weber
Mink	Russo	Weiss
Moakley	Sabo	Weldon
Molinari	Sanders	Wheat
Mollohan	Sangmeister	Whitten
Montgomery	Santorum	Wise
Moody	Sarpaluis	Wolf
Moorhead	Savage	Wolpe
Moran	Sawyer	Wyden
Morella	Saxton	Wylie
Morrison	Schaefer	Yates
Mrazek	Schiff	Yatron
Murphy	Schroeder	Young (AK)
Murtha	Schulze	Young (FL)
Nagle	Schumer	Zeliff
Natcher	Sensenbrenner	Zimmer

NAYS—3

Gradison	Michel	Nussle
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NOT VOTING—29

Barton	Dymally	McCurdy
Bevill	Edwards (OK)	Myers
Chandler	Frost	Scheuer
Collins (IL)	Geren	Solarz
Conyers	Hastert	Udall
de la Garza	Hunter	Volkmer
Dixon	Kolbe	Walker
Dornan (CA)	Lehman (FL)	Williams
Dreier	Levine (CA)	Wilson
Dwyer	Marlenee	

□ 1419

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, earlier today I was detained at Arlington Cemetery in order to attend a last rites ceremony for a constituent, Lt. Patrick Kelly Connor, U.S. Navy who was a casualty of the Desert Storm.

As a result, I was unable to vote on rollcall No. 63, S. 534, if present, I would have voted "aye." On rollcall No. 64, S. 565, if present, I would have voted "aye." On rollcall No. 65, H.R. 1047, if present, I would have voted "aye."

□ 1420

THE VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT OF 1991

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I must vote against H.R. 1047, the Veterans' Compensation Programs Improvement Act of 1991, not because I oppose the bill itself but because it does not provide for offsets to the increases in direct spending as required by the new budget procedures enacted last fall.

Yes, you can say it is a symbolic protest vote against our business-as-usual procedures.

According to the Congressional Budget Office, provisions of this bill will increase direct spending by \$5 million in each year beginning in 1992. Under the new pay-as-you-go rules, any new direct spending must be offset or it will cause a sequester in nonexempt entitlement programs 15 days after Congress adjourns.

Legislation which increases spending should also provide for an actual offset and not just a promise that there will be legislation in the future to pay for the new spending.

If we do not draw the line with this bill, which some will say is just minimal spending, what will be faced with in the future? Will we again be told that we should not worry, that even costlier legislation will also be paid for sometime down the line?

The purpose of the pay-as-you-go procedures is to ensure that any new direct spending is paid for. Each piece of legislation which costs money to the American taxpayer should be offset so that we can finally get control of

the Federal deficit, which I am sure everyone will agree, is still much too high.

That deficit hurts veterans and nonveterans alike.

We are doing no service to America's veterans when we refuse to submit ourselves to the necessary budget disciplines we imposed last year.

You do not help veterans by giving with one hand what, in the long run, you take away with the other through a breakdown of budget disciplines.

Our veterans deserve more than just lip-service to the promises we made last year—they deserve our honoring of that commitment, just as they have honored their commitments.

PERSONAL EXPLANATION

Mr. DIXON. Mr. Speaker, unfortunately, I could not be here today to vote on the Veterans Compensation Programs Improvement Act of 1991, H.R. 1047; and the bills awarding Congressional Gold Medals to generals, Colin L. Powell, S. 565; and H. Norman Schwarzkopf, S. 534. If I had been here, I would have voted "aye" on all three bills. I was in Los Angeles to participate in an important meeting of the Los Angeles County Transportation Commission [LACTC] on the proposed future routing of the Los Angeles Metro Rail Orange Line and on Los Angeles' legislative transportation needs in light of the pending Surface Transportation Assistance Act. I could not return to Washington, DC, in time to vote on these legislative measures.

The Veterans' Benefits Improvement Act will enhance the delivery of benefits and services to our deserving veterans and their dependents. This legislation, in addition to improving a number of veterans' benefits, increases the level of mortgage protection life insurance coverage for disabled veterans and helps our severely disabled veterans to adapt their homes to their handicap. I strongly support this measure, and believe it will improve the quality of life for our veterans who served our country at home and overseas.

Mr. Speaker, I seriously regret that I could not be here to vote to award generals, Colin Powell and Norman Schwarzkopf Congressional Gold Medals. These two measures would also require the Treasury Department to design and mint the gold medals and mint bronze duplicates for sale to the public. I am a cosponsor of H.R. 1296, the companion bill to S. 534, which was introduced by Representative EARL HUTTO.

I commend the outstanding contributions of both generals, Colin L. Powell and H. Norman Schwarzkopf in carrying out their official duties in Operation Desert Shield and Operation Desert Storm. Both generals deserve to be recognized for their exemplary performance as military leaders and advisers to the President. They are two commanders who have risen to their present positions by displaying unique leadership. They are extraordinary soldiers and we honor them for their long years of diligent service and sacrifice.

As chief of the Joint Chiefs of Staff, General Powell is the principal military adviser to the President, the National Security Council and the Secretary of Defense. His professionalism, talent, integrity, and dedication to the Armed

Service is truly appreciated. As an African American, I am exceptionally proud of General Powell, who serves as a positive role model and inspiration to our young men and women. I have received many letters from constituents who share our appreciation for General Powell's exemplary performance in planning and coordinating the successful U.S. military response to the Iraqi invasion of Kuwait.

Gen. Norman Schwarzkopf, the Commander in Chief of the U.S. Central Command, also deserves our deepest thanks and admiration for his service in the gulf war. Under his superior command, U.S. military and allied forces commanders skillfully planned and executed a military victory for the United States and the coalition forces. When I traveled to Saudi Arabia in September with Chairman JOHN MURTHA and members of the House Appropriations Defense Subcommittee, General Schwarzkopf thoroughly briefed us on the military operation in the gulf and the conditions our soldiers were faced with daily. But we were not alone. Many Members of Congress and people throughout our Nation and the world also witnessed his skillful briefing on the gulf war.

The Congressional Gold Medal is the most appropriate and fitting tribute we can bestow on these two outstanding military commanders. Although I could not be here today to cast my vote for S. 565 and S. 534, I strongly support both of these bills honoring two great Americans.

GENERAL LEAVE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 534 and S. 565, the two Senate bills just passed.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of engaging in a colloquy with the distinguished majority whip concerning the remaining schedule for the week and next week's schedule. If the majority whip would be good enough to enlighten us on the schedule, I would appreciate it.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is our expectation that next week the House will meet at noon on Monday. However, there is no legislative business and no recorded votes.

Then on Tuesday, April 16, the House meets at 10 a.m. The House will recess

immediately and reconvene at 11 a.m. to receive the President of the Republic of Nicaragua in a joint meeting. Following the joint meeting, the House will reconvene for legislative business and, of course, at that time it is expected that we will have the concurrent resolution on the budget for fiscal year 1992. That will come to the floor for action, of course, subject to a rule.

On Wednesday, April 17, and Thursday, April 18, the House will meet at 10 a.m. on Wednesday and 10 a.m. on Thursday. It is our expectation that we will continue deliberation and finish the work on the budget. At 10:30 a.m. on Thursday, the House will recess for the purpose of receiving former Members of Congress. The House will then reconvene for legislative business at 11:30 on Thursday.

Of course, it is our expectation that on Tuesday, Wednesday, and Thursday we would have the complete consideration of the concurrent resolution on the budget.

If I may add to that, on Friday, April 19, the House will not be in session.

Mr. SOLOMON. Mr. Speaker, I thank the majority whip. If he would just remain on his feet for a moment, what parts of the budget might we be taking up on Tuesday and what on Wednesday, if we might be able to enlighten the membership?

Mr. GRAY. If the gentleman will yield further, we expect to take up the general debate, the Dannemeyer and Kasich amendments on Tuesday, the President's budget and final on Wednesday.

Mr. SOLOMON. I thank the gentleman. I might just also ask: there is a pending deadline for the so-called railroad strike which might take place at 12:01 a.m. on Wednesday morning. Can the gentleman tell us what we might expect in the way of legislation when that strike takes place?

Mr. GRAY. If the gentleman will yield further, I would say to my colleague from New York that we hope the parties will resolve the dispute. However, in the event there is a strike, the House will be prepared to take whatever appropriate action in a timely manner.

Mr. SOLOMON. What business would there then be on Thursday if we do finish up the budget?

Mr. GRAY. If we finish the budget, complete consideration, on Wednesday and we do not have a problem of a potential railroad strike, then I think that there would be a likelihood that we would conclude our business on Wednesday evening.

Mr. SOLOMON. Just one last thought. It was my understanding that the Dalai Lama might be coming to the Congress. Do we have any information that the Members might want to know about? I see the gentleman from North Carolina [Mr. ROSE] motioning to you.

Mr. GRAY. I would ask the gentleman from New York to direct his remarks to the distinguished chairman of the appropriate committee, the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from North Carolina, a strong supporter of the Dalai Lama.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding and for his question and his support.

At the conclusion of the gentleman's colloquy with the distinguished majority whip of the House, I will offer a concurrent resolution that will authorize the use of the Rotunda for an address by His Holiness the Dalai Lama to take place Thursday, April 18, between 11 and 12 noon, and we certainly hope that the gentleman from New York will be present with us at that time.

Mr. SOLOMON. I would consider it a privilege. Has that been cleared with the minority?

Mr. ROSE. Mr. Speaker, the gentleman to the right of the gentleman from New York and I are going to deal with this matter in just a moment.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

Let me just point out further that our distinguished chairman of the Committee on Rules has made an announcement that all amendments and substitutes to the budget should be filed with the Committee on Rules no later than noontime Friday. I would remind the membership of that.

ADJOURNMENT TO MONDAY, APRIL 15, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HOURLY MEETING ON TUESDAY, APRIL 16, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 15, 1991, it adjourn to meet at 10 a.m. on Tuesday, April 16, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

**HOOR OF MEETING ON
WEDNESDAY, APRIL 17, 1991**

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 16, 1991, it adjourn to meet at 10 a.m. on Wednesday, April 17, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

**HOOR OF MEETING ON THURSDAY,
APRIL 18, 1991**

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 17, 1991, it adjourn to meet at 10 a.m. on Thursday, April 18, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

**DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT**

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

**AUTHORIZING THE SPEAKER TO
DECLARE RECESSES ON TUES-
DAY, APRIL 16, 1991**

Mr. GRAY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, April 16, 1991, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting her excellency, Violeta Chamorro, President of the Republic of Nicaragua.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

**AUTHORIZING THE SPEAKER TO
DECLARE RECESSES ON THURS-
DAY, APRIL 18, 1991**

Mr. GRAY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair on Thursday, April 18, 1991, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

**AUTHORIZING USE OF THE RO-
TUNDA OF THE CAPITOL FOR A
CEREMONY OF WELCOME FOR
THE DALAI LAMA**

Mr. ROSE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 115) authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina [Mr. ROSE] for the purpose of having the chairman explain the resolution.

□ 1430

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would be pleased to explain the purpose. Mr. Speaker, this resolution provides for the use of the rotunda for Members of Congress to assemble and to greet his holiness, the 14th Dalai Lama of Tibet. The Dalai Lama is the spiritual and temporal leader of the Tibetan people. The People's Republic of China invaded Tibet in 1949, and has brutally occupied Tibet for the past 42 years. The Dalai Lama and tens of thousands of his fellow Tibetans fled their homeland after a nationalist uprising was brutally suppressed by the Chinese Red Army. Since that time, the Dalai Lama has led the Tibetan nation in a nonviolent struggle against China's brutal occupation of Tibet. His strict adherence to the Gandhian principles in his struggle against Chinese oppression and his personal philosophy of universal responsibility earned him the 1989 Nobel Peace Prize. He will come to Washington next week, and the U.S. Congress will honor the Dalai Lama by receiving him in the Capitol Rotunda, and I encourage my colleagues to attend. This event will take place on Thursday, April 18 between 11 a.m. and 12 noon.

Mr. THOMAS of California. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from North California [Mr. ROSE] for making these arrangements. Many Members had hoped that we could have had his Holiness address a joint session of Congress, but that was not possible.

I would hope that all of our colleagues would join in welcoming his Holiness, who has been not only the spiritual leader of Tibet but a leader in the world for a peaceful, nonviolent means of opposing aggression by other nations.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 115

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol may be used on April 18, 1991, from 10:30 o'clock ante meridiem until 12:30 o'clock post meridiem, for a ceremony of welcome for the Dalai Lama. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 2. The transcript of proceedings of the ceremony shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number, there shall be printed, for the use of the Joint Committee on Printing, such number of copies of the document as does not exceed a cost of \$3,000.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

JEWISH HERITAGE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 134) to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week" and ask for its immediate consideration.

The clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so in order to yield to my colleague and friend, the gentleman from New York [Mr. GILMAN], the chief sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, as primary sponsor of House Joint Resolution 134, legislation designating "Jewish Heritage Week," I rise in strong support for this measure and urge its passage. I would also like to thank the gentleman from Ohio, Mr. SAWYER, the distinguished chairman of our House

Subcommittee on Census and Population, for bringing House Joint Resolution 134 to the floor so expeditiously.

As many of our colleagues are aware, the spring months are of historic importance to the Jewish community. Several religious and cultural events, including Passover, Jerusalem Day, Israel Independence Day, the anniversary of the Warsaw ghetto uprising as well as Holocaust Memorial Day all occur during the months of April and May.

The bill before us designates April 14-21, 1991 and May 3-10, 1992 as "Jewish Heritage Week," noting that such congressional action promotes intergroup understanding and the principles of brotherhood.

House Joint Resolution 134 recognizes the rich history, culture, and traditions of the Jewish people and their many and varied contributions to our Nation and society over the years. The measure also authorizes and requests the President to issue a proclamation commemorating the events surrounding this legislation.

Mr. Speaker, today, we have gathered once again in our rotunda to participate in moving Holocaust Memorial Day ceremonies. Events such as this display our collective commitment to remember the legacy of 6 million innocent Jewish men, women, and children who perished in the Holocaust at the hands of the Nazis. The following week is Jewish Heritage Week, when American Jewish communities throughout our Nation will be conducting appropriate historic and cultural programs to highlight other aspects of Jewish life and participation in America.

Accordingly, I request our colleagues to join us in adopting House Joint Resolution 134.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I want to join the ranking member of my committee, Mr. GILMAN, in support of designating "Jewish Heritage Week," and thank him for once again making an exemplary effort to bring this worthwhile resolution before the House.

House Joint Resolution 134 would set aside a week, in both 1991 and 1992, to recognize events and traditions that are part of Jewish history and culture, in the United States and around the world.

The months of April and May, in particular, give us the opportunity to reflect on certain events that are significant not only in the development of Jewish history, but in the history of humankind.

The feast of Passover, the anniversary of the Warsaw ghetto uprising, Holocaust Memorial Day, Jerusalem Day, and the anniversary of the founding of the State of Israel, all occur during this time period.

Too often, in the rush of everyday life, we fail to stop and contemplate the events and lives that brought us to where we are today, that have made us the people and nations we are today.

As we take these few moments to reflect upon, and remember, the history of the Jewish people, I want to share a poem by Elie Wiesel, delivered at Auschwitz on August 1, 1979, that captures the essence of remembrance and the soul of a people.

The poem is as follows:

LISTEN TO THE WIND

(The Voice and Vision of Elie Wiesel)

Listen to the wind, for there is nothing else we can listen to.

For this was the place where children became old and where old men had no children to console.

Listen to the stones, for the stones themselves were broken as our hearts were broken.

For this is the place of eternal night. Never will there be sun here. Do not trust your eyes.

There is no sun here. Never trust anything else, for there is no one to trust here. In this place people were so abandoned, so doomed, and their solitude and silence were such that even now we capture something simply by being here.

This is the place—a kingdom. Can you imagine: four million people lived and vanished overnight in this place.

We could build a nation with four million people.

There would be enough doctors, enough teachers, enough parents, enough children, enough princes, enough beggars, enough merchants, enough dreamers to build a people.

And in this space, which became the grave of man's heart, that kingdom vanished.

Listen to the wind. And listen to the sky. For we are here to pray as in a cemetery.

But this is no cemetery. They have no cemetery. They did not even have a cemetery.

We are their cemeteries.

Mr. SCHEUER. Mr. Speaker, I would first like to thank Congressman GILMAN for his fine leadership and hard work in bringing Jewish Heritage Week to the floor. He has worked tirelessly to ensure that the contributions of Jews to the American experience is recognized and honored.

Since colonial times Jews have been an integral part of the American landscape. And in that American landscape Jews have found the freedom and opportunity afforded to all Americans that has enabled them to reach new heights of accomplishment.

Jews have made significant contributions in the arts and sciences, literature and medicine, sports and education, industry and government. From Albert Einstein to Sandy Koufax, the American Jewish contribution is rich and diverse.

Designating a week in the spring was no accident. The timing coincides with major Jewish holidays and cultural events. Two weeks ago Jews around the world sat down to the Passover seder meal. Today, a Holocaust remembrance service was held in the rotunda of the Capitol for the 6 million Jews who were ruth-

lessly and systematically slaughtered by the Nazis. This is also the time of year Jews commemorate the Warsaw ghetto uprising, and soon Jews will gather to celebrate Israel Independence Day, and Jerusalem Day.

The Iraqi Scud attacks on Israeli civilians, Desert Storm, the influx of Soviet Jews to Israel, and the chance for progress toward a settlement of the Arab-Israeli conflict has heightened most American Jews awareness of their identity, and made many of the concerns of American Jews, the concern of all Americans. These events have made Jewish Heritage Week all that more relevant.

By establishing Jewish Heritage Week, this Congress is helping to promote religious tolerance and understanding, pride in diversity, and pride in the Nation as a whole. Congress has a long tradition of recognizing the contributions of America's ethnic groups to the American experience. I urge my colleagues to recognize those of the American-Jewish community.

Mr. MAVROULES. Mr. Speaker, by voicing my support for House Joint Resolution 134, "Jewish Heritage Week," I am pleased to have the opportunity to recognize the many contributions of the Jewish people to society throughout history.

With courage, strength and faith, the Jewish people have, time and again, prevailed against the odds. Their perseverance and survival contains valuable lessons for all of us. The recent Passover holiday remembers the Jewish exodus from slavery to freedom and celebrates the liberation of the spirit. Last week, Holocaust Remembrance Day reminded the world of the grave dangers of hatred and mass hysteria, while recalling the loss of over 13 million innocent lives and the theft of their vast human potential. Israel Independence Day observes the moment in history when the Jewish people reestablished their homeland after centuries of dispersal and persecution, and is a celebration of redemption and restoration.

As the Jewish people have demonstrated throughout their long and tumultuous history, we too must learn to remember the past, live for the present, and have faith for the future.

Jewish Heritage Week is important because it allows the Congress to officially recognize the tremendous contributions made by the Jewish community that have strengthened our Nation, enhanced the quality of our lives, and perhaps most significantly, the celebration of Jewish culture and traditions will give many the chance to experience and understand a heritage other than their own.

Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in celebration of Jewish Heritage Week this April 14 through April 21. It is a fitting time to commemorate the achievements and the struggles of the Jewish people.

During Jewish Heritage Week, we pay tribute to a people with a strong heritage of great accomplishment and great suffering, immense achievement and immense anguish. They are a people who have a faith in God and through this faith they have accomplished much. While history clearly tells us that the Jewish people have been subjected to centuries of persecution and discrimination, they have still risen to be respected leaders in many communities

throughout the world. Their contribution to the world's body of knowledge, art, and entertainment has been incalculable.

Mr. Speaker, this week's celebration also causes me to reflect on my own family's heritage. Born into a Jewish family, I am proud to celebrate that honorable tradition. This week I reflect on my childhood in Hungary and on my escape from Nazi persecution. I remember with reverence the many who also escaped the horrors of the war with little more than their lives; I remember with sorrow those who perished.

Mr. Speaker, we live in a diverse land. That diversity is a great source of strength. When we celebrate the heritage of any one ethnic or religious group, we celebrate our diversity. We also help foster an environment of mutual understanding in which we all benefit.

Jewish Heritage Week not only helps Jews remember their past; it helps others better understand the Jewish people as well. It is that type of understanding that will lead to a stable and fruitful coexistence of the diverse people in this great land of ours. When people of diverse backgrounds live in a climate of mutual understanding and empathy, our Nation is a better place for it. It is the absence of those qualities that bodes poorly for our Nation's future.

Mr. Speaker, it is my hope that the celebration of Jewish Heritage Week will go a long way to enhance everyone's understanding of who the Jewish people are and what they have done for the betterment of this world.

Mr. SWETT. Mr. Speaker, I rise today in support of House Joint Resolution 197—"National Education First Week." The education of America's youth has reached a critical state. Unfortunately, in recent weeks it has been placed at too low a level on our Nation's list of priorities. Demands for educational improvements are stifled in an apathetic environment.

This week the government, media, educators, and public will focus on the education crisis. By combining our efforts we will spotlight the present plight of education and promote a unified front to deal with this serious problem. With these resources, we hope to find new ways to more effectively respond to the educational needs of children.

Because educational ability is directly linked to a child's early development, we must insist that our children grow up in an environment that is conducive to learning. Poverty is a major contributing factor to the destruction of this environment. Nearly 25 percent of all children under the age of 6 live in poverty, and with a baby born into poverty every 35 seconds, the problem is not getting any better. With these disadvantages at the early stages of development, the children are less likely to get the most out of our educational institutions. These conditions are examples of why our educational system, and many children served by it, are suffering.

Although these people are disadvantaged, America is not a poor country. With our televisions, automobiles, and VCR's we enjoy as many modern conveniences as any other country in the world. Yet something is seriously wrong. Historically our Nation has claimed to make education a top priority. Today it is time to reaffirm that priority. America's children are America's future.

Because the school is the place where a child spends the majority of his/her formative years, it is crucial that our educational system provide strong guidance and encourage our Nation's young people to strive for excellence. This requires competent, dedicated educators. We must remember that it only takes one good teacher to inspire a student to become a great writer or to discourage that same child from giving up on the incredible opportunity a good education offers.

Mr. Speaker, I hope that "National Education First Week" will inspire America to take stock of its educational needs and problems. We cannot afford to wantonly waste our most precious resource—our youth—any longer. The turn of the century will present us with an unprecedented labor shortage. Our population is aging. Fewer taxpayers will be supporting a greater number of dependent elderly.

How can these challenges be met when more than 25 percent of students fail to graduate from high school each year, costing the United States \$70 billion in tax revenues for each year of dropouts?

Unfortunately, the blame must be widely shared. We must all accept responsibility for this malady. We seem to value high technology weapons, such as the ones demonstrated in the Persian Gulf war, more than the people who designed and built them. It is time we recognize that without the scientists, the engineers, the environmentalists, the pilots, the teachers, and the schools, there no longer will be the advancements and knowledge which created these advances in technology.

Mr. Speaker, I urge my colleagues to join me in putting education back on center stage where it belongs. We must reevaluate the priorities of our Nation and recognize that without a strong education system, our country will only spiral down toward mediocrity tomorrow. The time has come for us to remember that children come into this world eager to learn and grow. And in the spotlight of "National Education First Week" we must commit our efforts to afford every American child this universal opportunity.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 134

Whereas April 18, 1991, and May 7, 1992, mark the forty-third and forty-fourth anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1412

Mr. YATES. Mr. Speaker, I ask unanimous consent that my name be withdrawn, as a cosponsor of the bill, H.R. 1412.

The SPEAKER pro tempore. Is their objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL EDUCATION FIRST WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 197) to designate the week of April 15 through 21, 1991, as "National Education First Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to simply acknowledge the work of our colleague from California [Mr. LEVINE], who is the chief sponsor of House Joint Resolution 197 to designate April 15 through April 21, 1991, as "National Education First Week."

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 197

Whereas the economic success and democratic vitality of the United States in the coming millennium depends principally on the Nation's ability to provide a world class education from kindergarten through 12th grade;

Whereas all people of the United States have the right to a fulfilling, free, and safe elementary and secondary education that will enable them to be productive, skilled, and literate citizens;

Whereas the United States today faces an unprecedented education crisis in which students fail to graduate from high school at a rate of 3,000 students a day (or more than 1,000,000 students a year) for the general population, and 46 percent for Black and Hispanic students;

Whereas 26,000,000 people in the United States are functionally illiterate, and only 40 percent of the Nation's students are able to solve math problems requiring 2 or more steps;

Whereas international competitors are outpacing the United States in preparing their students for the 21st century, as evidenced by data indicating that a Japanese student spends 30 percent more time in school than a student in the United States and that Japan has a literacy rate of almost 98 percent;

Whereas the education crisis of the United States places great strains on the Nation's economic, social, and political fabric, as evidenced by data indicating that 80 percent of prisoners are high school dropouts, 77 percent of college graduates (but only 37 percent of individuals with not more than an 8th grade education) voted in the 1988 presidential election, and only 3 percent of the Nation's high school graduates can interpret distinctions among employee benefits plans;

Whereas the Nation's education crisis has reached such damaging proportions that only a coordinated, long-term effort by all sectors of the United States, including business, government, media, labor, and educators, can adequately address the challenge;

Whereas the media, including the television networks, the motion picture studios, and the cable television networks, are powerful tools to influence and arouse the public to a better understanding of the scope and severity of the education crisis, as well as to potential grassroots and legislative solutions to the crisis;

Whereas the commitment of the television networks to promote Education First Week represents the single greatest commitment of broadcast resources in the history of the television medium to address a national problem;

Whereas Education First Week presents a unique opportunity to mobilize national and local political and public awareness through the media and is a significant step in confronting the Nation's education crisis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 15 through 21, 1991, is designated as "National Education First Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1440

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Joint Resolution 134

and House Joint Resolution 197, the joint resolutions just passed.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONGRESS SHOULD NOT RUSH INTO UNITED STATES-MEXICO FREE TRADE NEGOTIATIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and to include extraneous material.)

Ms. KAPTUR. Mr. Speaker, no one can disagree with the objective of free trade, but why should Congress rush a United States-Mexico free trade negotiation under the so-called fast track procedure through this body by May 15? Congress must preserve fully its right to amend this agreement. We should not reduce our role to simply a yes or no vote.

Mr. Speaker, it took the European Community nearly 30 years of negotiations and careful amendment before integrating the lower wage nations of that continent into the Europe of 1992 that we know today.

So, I ask, "What's our rush when such a process requires our careful attention to such matters as a North American fair wage labor and benefit standard, environmental protections, agricultural standards, border protections, and many other items?"

Let us be sensible, and do what is right, and not rush this through to meet some other nation's election deadlines.

Competitive advantage is not built on cheap labor, nor on escaping to tax havens nor avoiding environmental standards. Rather it results from investment in increased R&D, education, and our own industrial base.

More than 1,000 American-owned plants generate hazardous waste but only 30 percent of these have complied with Mexican rules requiring them to file information on how they handle those wastes, according to a report issued last November by the Government's equivalent of the Environmental Protection Agency. Only 19 percent of the plants using toxic materials could show that they had disposed of wastes properly, the report concluded.

Mr. Speaker, I insert this article for the RECORD.

[From the New York Times, Mar. 31, 1991]
BORDER BOOM'S DIRTY RESIDUE IMPERILS
U.S.-MEXICO TRADE
(By Roberto Suro)

NOGALES, ARIZ.—Little more than a muddy creek when it starts flowing down a hillside in Mexico the Nogales Wash passes by factories, shantytowns and noisy commercial streets before it reaches a invisible line and then suddenly becomes a swirling, stinking foreign policy problem for the Bush Administration.

When it crosses the border into the United States, the Nogales Wash is laced with toxic industrial pollutants and laden with untreated sewage. A public health emergency has been in force on the Arizona side for six months because the incidence of hepatitis there has climbed to 20 times the national average.

POLLUTION THREATENS TRADE POST

The runaway pollution and accompanying health threats can be found in virtually any city along the United States-Mexican border, which has undergone an economic explosion in recent years with the construction of hundreds of highly profitable American-owned factories operating under special trade rules. The American owners pay very low wages to the nearly half a million Mexicans they employ and are not obligated to use expensive antipollution equipment.

The pollution problem have become so grave that they have emerged as a major issue and potential obstacle to the free trade agreement that President Bush wants to negotiate with Mexico as a way to compete economically with Europe and Japan. The Mexican Government's environmental effort is in its infancy, and it is struggling with standards and enforcement.

Influential environmental groups, like the National Wildlife Federation, and other who oppose the free trade agreement, like the A.F.L.-C.I.O., have contended that the contamination of the Nogales Wash and other pollution problems along the border are just previews of what will happen across Mexico if tariffs and other trade barriers are removed, igniting a rush to develop new industries.

Moreover, Democrats in Congress say they will resist efforts for a speedy approval of a free trade agreement unless the White House agrees to address environmental issues in the negotiations with Mexico. The White House has not said whether it will.

But in American border cities, even the most committed advocates of free trade insist that existing environmental problems should be addressed before free trade become a reality.

"We who breathe the air and drink the water along the border are the first to say we support free trade and that we also want a long-term plan for the environment," said William F. Joffroy Jr., chairman of the Border Trade Alliance, an organization that promotes economic development on behalf of local governments and business on both sides of the border.

The contamination along the border runs the gamut from raw sewage to wood smoke to highly toxic industrial chemicals.

WIDE ENVIRONMENTAL DAMAGE

Across the Rio Grande from El Paso, for instance, firewood is the chief cooking and heating fuel for most of the 1.2 million residents of Ciudad Juarez, Mexico. Rubber tires are burned in kilns that make decorative bricks and tiles. Along with pollution from motor vehicles and industry, the smoke from these fires produces an acrid cloud over both cities under certain weather conditions.

Furniture-making plants and metalplating shops that fled environmental restrictions in California now flourish in Tijuana, Mexico, producing toxic wastes from their use of solvents.

Recreational use of the Rio Grande below Laredo, Tex., has long been considered unsafe because its sister city in Mexico, Nuevo Laredo, dumps about 25 million gallons of untreated sewage into the river every day.

Much of the development and growth along the border came as a result of the 1965 agreement between the two countries that allowed American companies to set up operations on the Mexican side. The American factories and assembly plants, called maquiladoras, import almost all raw materials and export almost all products virtually exempt from tariffs and other trade restrictions.

Now Mr. Bush wants to go further with the trade agreement, which would cut out all tariffs and trade barriers between the countries. A negative vote by either house of Congress before June 1 would deny Mr. Bush the authority to present the legislators with a completed agreement to be accepted or rejected.

"Along the border we already know what happens when free trade brings rapid economic growth to Mexico," said Mayor Suzanne Azar of El Paso. "We've seen the benefits but we have also seen some very tough environmental problems that are directly caused by that kind of growth."

GROWTH BOOMED IN 1980'S

The American plants grew quickly after the rapid devaluation of the Mexican peso starting in 1982 brought the wage of a Mexican worker down to about 50 cents an hour. Since then the number of maquiladoras has jumped to nearly 1,900 from about 300. They produce almost anything that involves a lot of labor, from carburetors to designer sun glasses.

On the outskirts of Nogales, a cluster of the plants sits on the hilltop. Big, boxlike buildings, they do not have any smokestacks or cooling towers because they are used for assembling components rather than manufacturing parts or processing raw materials.

Down the hill, the neat industrial architecture gives way to ramshackle dwellings fashioned from cardboard and scraps of wood taken from the plants' trash bins. These are the homes of maquiladora workers, most of them peasants who have migrated from Mexico's agricultural regions in search of steady pay.

In about a dozen shacks the most common building material is a tan carboard that once contained polyvinyl chloride. Written on the carboard walls are warnings that the former contents could release hazardous fumes.

"This is some of the best stuff because it is real thick and keeps the rain out," said Juan Ramos, standing outside a two-room structure that served as home for him and five relatives. All had worked in the plants. Their water supply was stored in a 55-gallon drum that was also refuse from the plants. A bright yellow and orange label identified its former contents as a fluorocarbon solvent whose vapors are fatal if inhaled.

\$27 FOR 49 HOURS OF WORK

The starting wage for a maquiladora worker is about 82,000 pesos, or about \$27, for a 49-hour week. More experienced workers receive as much as 140,000 pesos, or about \$47, in addition to fringe benefits like a subsidized lunch.

Catalina Denman, a public health specialist at the Colegio de Sonora, a research institute, who has conducted numerous studies in Nogales, had this to say about the situation: "In the course of just a few years the maquiladoras brought the industrial revolution and all that goes with it to a region that was completely unprepared for it."

"In the short term this is a positive development because a job is better than no job and because living conditions where these people came from were also terrible. In the long term, though, what happened in Nogales

could happen all over Mexico if a free trade agreement produces the same kind of fast development with no real attention to human needs."

Behind Mr. Ramos's home was one of the communal outhouses used by residents of the shantytown. A little ditch from the outhouse led to a bigger ditch that flowed to a creek in the bottom of a ravine that flowed into the Nogales Wash, stream that grows in size with the seasons. Like virtually every other Mexican border town, Nogales does not have any sewage treatment plants.

After crossing the border the wash is contained within concrete embankments as it flows through the center of Nogales, Ariz. High concentrations of human wastes in the wash are blamed for the hepatitis epidemic that produced 58 cases and many suspected cases last year, said Patrick Zurick, deputy director of the Santa Cruz County Health Department.

CONTAMINATION OF AQUIFER

Some of the cases involved people who had direct contact with the water where it flows through a popular recreational area outside of town or by children who skateboard on the embankments. Others apparently involved eating establishments and supermarkets along the wash where flies carried the disease from the water to food.

More ominous, Mr. Zurick said, is the contamination of an aquifer that runs on both sides of the border. Numerous homes and commercial establishments draw water from private wells tapped into the aquifer, he said, including several large warehouses where fruits and vegetables imported from Mexico are iced down and prepared for shipment throughout the world. In October the wells in those warehouses were declared public water supplies, by the county, requiring that they be chlorinated and tested regularly.

Across the border, Ciudad Juarez dumps all of its raw sewage into a canal that parallels the Rio Grande. In towns on the American side of the Rio Grande, the incidence of hepatitis from contaminated well water is so acute that a recent study in one town, San Elizario, Tex., showed that everyone had been exposed to hepatitis at least once by the time they were 20 years old.

Human wastes are not the only troublesome substances that have seeped from the Nogales Wash into the aquifer, Mr. Zurick said.

Last year, government and private health experts on both sides of the border repeatedly tested numerous water supplies in the Nogales area and found widespread contamination by the kind of chemicals that are normally found in industrial solvents and that are suspected or known carcinogens.

Although only a few samples showed unsafe levels of contamination, the results showed that the pollution was spreading through the aquifer, said Dick Kamp, director of the Border Ecology Project, a research and policy studies organization that participated in the water study. It seemed to originate in the industrial zone of Nogales, Mexico, where there are many Mexican-owned workshops as well as the American plants.

"This is the most extensive study of water pollution done anywhere along the border," Mr. Kamp said, "and what it shows is that we have a problem but that so far we don't know the source of it or its full scope."

More than 1,000 American-owned plants generate hazardous waste but only 30 percent of these have complied with Mexican rules requiring them to file information on how they handle those wastes, according to a report issued last November by the Secretariat

of Urban Development and Ecology, the Mexican Government's equivalent of the Environmental Protection Agency. Only 19 percent of the plants using toxic materials could show that they had disposed of wastes properly, the report concluded.

Mexico's rules governing the use of hazardous materials only went into effect in 1988. Most of the regulations are just as strict as they are in the United States, but standards for specific substances and the enforcement mechanisms are still being established.

"The U.S. isn't able to handle hazardous wastes efficiently and so you can't expect it of Mexico where this problem is just now being addressed," said Joe King, president of the Meribah Corporation, an El Paso-based concern that specializes in waste disposal on both sides of the border.

"Protecting the environment has become a political priority in Mexico," Mr. King said, "it has popular support. But the infrastructure is totally missing and building it will involve astronomical costs and a lot of time."

UNDERAGE LABORERS FILL MEXICAN FACTORIES

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. PEASE. Mr. Speaker, with an FTA, Mexico's lax enforcement of its labor and environmental protection laws could subsidize the movement of American investment capital and jobs to Mexico.

As evidence of the lack of enforcement of labor laws in Mexico, I submit for the RECORD an article from the Wall Street Journal documenting the illegal use of child labor in Mexico. Additionally, this article describes dangerous factory conditions that constitute clear violations of Mexican health and safety standards.

To those who argue that companies operating in Mexico are dealing in a regulatory climate that is as strict as in the United States, I submit this article as evidence to the contrary. The jobs of middle class American manufacturing workers should not be jeopardized by 12-year-old children forced into dangerous jobs paying 85 cents per hour.

[From the Wall Street Journal, Apr. 8, 1991]

WORKING CHILDREN—UNDERAGE LABORERS FILL MEXICAN FACTORIES, STIR UNITED STATES TRADE DEBATE

(By Matt Moffett)

LEON, MEXICO.—When Vicente Guerrero reported for work at the shoe factory, he had to leave his yo-yo with the guard at the door. Then Vicente, who had just turned 12 years old, was led to his post on the assembly line: a tall vertical lever attached to a press that bonds the soles of sneakers to the uppers.

The lever was set so high that Vicente had to shinny up the press and throw all his 90 pounds backward to yank the stiff steel bar downward. It reminded him of some playground contraption.

For Vicente this would have to pass for recreation from now on. A recent graduate of

the sixth grade, he joined a dozen other children working full time in the factory. Once the best orator in his school and a good student, he now learned the wisdom of silence: even opening his mouth in this poorly ventilated plant meant breathing poisonous fumes.

Vicente's journey from the front-row desk of his schoolroom to the factory assembly line was charted by adults: impoverished parents, a heedless employer, hapless regulators, and impotent educators. "I figure work must be good for me, because many older people have helped put me here," says Vicente, shaking his hair out of his big, dark eyes. "And in the factory I get to meet lots of other boys."

Half of Mexico's 85 million people are below the age of 18, and this generation has been robbed of its childhood by a decade of debt crisis. It's illegal in Mexico to hire children under 14, but the Mexico City Assembly recently estimated that anywhere from five million to 10 million children are employed illegally, and often in hazardous jobs. "Economic necessity is stronger than a theoretical prohibition," says Alfredo Farit Rodriguez, Mexico's Attorney General in Defense of Labor, a kind of workers' ombudsman.

Child labor is one of several concerns about standards in the Mexican workplace clouding the prospects for a proposed U.S.-Mexico free trade agreement. It is being seized upon, for example, by U.S. labor unions, which oppose free trade and fear competition from Mexican workers.

Recently, Democratic Sen. Lloyd Bentsen of Texas, the chairman of the Senate Finance Committee, and House Ways and Means Committee Chairman Dan Rostenkowski of Illinois warned President Bush in a letter of the major hang-up: "the disparity between the two countries in . . . enforcement of environmental standards, health and safety standards and worker rights." Mr. Bush yesterday reiterated his support for the trade pact.

Free-trade advocates argue that investments flowing into Mexico would ameliorate the economic misery that currently pushes Mexican children into the work force. Partisans of free trade also point to the aggressiveness Mexican President Carlos Salinas de Gortari has lately shown in fighting lawbreaking industries: Mexico added 50 inspectors to regulate foreign plants operating along the U.S.-Mexico border and shut down a heavily polluting refinery in Mexico City.

LITTLE FOXES

Young Vicente Guerrero's life exemplifies both the poverty that forces children to seek work and the porous regulatory system that makes it all too easy for them to find jobs. In the shantytown where Vicente lives and throughout the central Mexico state of Guanajuato, it is customary for small and medium-sized factories to employ boy shoemakers known as *zorritos*, or little foxes.

"My father says I was lucky to have so many years to be lazy before I went to work," says Vicente. His father, Patricio Guerrero, entered the shoe factories of Guanajuato at the age of seven. Three decades of hard work later, Mr. Guerrero lives in a tumbledown brick shell about the size and shape of a baseball dugout. It is home to 25 people, maybe 26. Mr. Guerrero himself isn't sure how many relatives and family friends are currently lodged with him, his wife and six children. Vicente, to get some privacy in the bedroom he shares with eight other children, occasionally rigs a crude tent

from the laundry on the clotheslines crisscrossing the hut.

School was the one place Vicente had no problem setting himself apart from other kids. Classmates, awed by his math skills, called him "the wizard." Nearly as adept in other subjects, Vicente finished first among 105 sixth-graders in a general-knowledge exam.

Vicente's academic career reached its zenith during a speaking contest he won last June on the last day of school. The principal was so moved by the patriotic poem he recited that she called him into her office to repeat it just for her. That night, Vicente told his family the whole story. He spoke of how nervous he had been on the speaker's platform and how proud he was to sit on the principal's big stuffed chair.

After he finished, there was a strained silence. "Well," his father finally said, "it seems that you've learned everything you can in school." Mr. Guerrero then laid his plans for Vicente's next lesson in life. In a few weeks, there would be an opening for Vicente at Deportes Mike, the athletic shoe factory where Mr. Guerrero himself had just been hired. Vicente would earn 100,000 pesos a week, about \$34.

At the time, money was tighter than usual for the Guerreros: Two members of the household had been laid off, and a cousin in the U.S. had stopped sending money home.

After his father's talk, Vicente stowed his schoolbooks under a junk heap in a corner of the hut. It would be too painful, he thought, to leave them out where he could see them.

Last August Vicente was introduced to the Deportes Mike assembly line. About a dozen of the 50 workers were underage boys, many of whom toiled alongside their fathers. One youth, his cheek bulging with sharp tacks, hammered at some baseball shoes. A tiny 10-year-old was napping in a crate that he should have been filling with shoe molds. A bigger boy was running a stamping machine he had decorated with decals of Mickey Mouse and Tinker Bell. The bandage wrapped around the stamper's hand gave Vicente an uneasy feeling.

Showing Vicente the ropes was the plant superintendent's 13-year-old son, Francisco Guerrero, a cousin of Vicente's who was a toughened veteran, with three years' experience in shoemaking.

When a teacher came by the factory to chide school dropouts, Francisco rebuked her. "I'm earning 180,000 pesos a week," he said. "What do you make?" The teacher, whose weekly salary is 120,000 pesos, could say nothing.

Vicente's favorite part of his new job is running the clanking press, though that usually occupies a small fraction of his eight-hour workday. He spends most of his time on dirtier work: smearing glue onto the soles of shoes with his hands. The can of glue he dips his fingers into is marked "toxic substances" * * * prolonged or repeated inhalation causes grave health damage; do not leave in the reach of minors." All the boys ignore the warning.

Impossible to ignore is the sharp, sickening odor of the glue. The only ventilation in the factory is from slits in the wall where bricks were removed and from a window near Vicente that opens only half-way. Just a matter of weeks after he started working, Vicente was home in bed with a cough, burning eyes and nausea.

What provoked Vicente's illness, according to the doctor he saw at the public hospital, was the glue fumes. Ingredients aren't listed on the label, but the glue's manufacturer,

Simon S.A. of Mexico City, says it contains toluene, a petroleum extract linked to liver, lung and central nervous system damage. The maximum exposure to toluene permitted under Mexican environmental law is twice the level recommended by recently tightened U.S. standards. And in any event, Deportes Mike's superintendent doesn't recall a government health inspector coming around in the nine years the plant has been open.

When Vicente felt well enough to return to work a few days later, a fan was installed near his machine. "The smell still makes you choke," Vicente says, "but el patron says I'll get used to it."

El patron, the factory owner, is Alfredo Hidalgo. "These kinds of problems will help make a man of him," Mr. Hidalgo says. "It's a tradition here that boys grow up quickly." Upholding tradition has been good for Mr. Hidalgo's business: Vicente and the other *zorritos* generally are paid less than adult workers.

Mr. Hidalgo doesn't see that as exploitation. "If it were bad for Vicente, he wouldn't have come back after the first day of work," he says. "None of the boys would, and my company wouldn't be able to survive."

"The system makes protecting the *zorritos* very, very difficult," says Teresa Sanchez, a federal labor official in Guanajuato state. The national labor code gives the federal government jurisdiction over only a limited number of industries that make up just 3% of businesses in the state. "The important industries, like shoes," she says, "are regulated by the states, and the states . . ." She completes the sentence by rolling her eyes.

At the state labor ministry, five child labor inspectors oversee 22,000 businesses. The staff has been halved in the decade since Mexico's economic crisis erupted, says Gabriel Eugenio Gallo, a sub-secretary. The five regulators make a monthly total of 100 inspections. At that rate it would take them more than two decades to visit all of the enterprises under state jurisdiction. Because child labor violations weren't even punishable by fines until very recently, state regulators say they have a hard time getting the tradition-bound employers they do visit to take them seriously. "Ultimately, the schools must be responsible for these kids," Mr. Gallo concludes.

Located just four blocks from where Vicente Guerrero labors, the Emperador Cuauhtemoc school employs two social workers to reclaim dropouts. (Children are required by law to stay in school through the sixth grade.) One-third of the students at Cuauhtemoc never finish the Mexican equivalent of junior high. With their huge caseloads, the two social workers certainly have never heard of Vicente Guerrero. "Ultimately, it's the boy's own responsibility to see to it that he gets an education," says Lourdes Romo, one of the counselors.

Vicente is still getting an education, but it's of a different sort than he would be getting in school. On a factory break, the superintendent puts a *zorrita* in a headlock to act out the brutal murder of a member of a local youth gang. This pantomime is presented to Vicente and a rapt group of boys as a cautionary tale. "Boys who don't work in the factory die this way on the street," the superintendent warns.

Vicente hasn't missed work again, though he always has a runny nose and red eyes. "One gets accustomed to things," he says. It's lucky for him that he is adaptable. The plant was expanded recently and Vicente's window, once his source of fresh air, now

swings open onto a sewing room where several new boys labor.

The zorrita tradition is unlikely to fade any time soon. "We eat better now that Vicente works," says Patricio Guerrero, watching his wife stir a skillet of chicken in sweet mole sauce. "And Vicente has few pesos left over so he can enjoy being a boy."

But Vicente doesn't have the time. Even though he's the captain, he recently missed an important Saturday match of his soccer team. A rush order of soccer shoes had to be filled at Deportes Mike. His friends tell him that "I stink as bad as the patch on a bicycle tire," he says. "But I know that's just the smell of work."

□ 1240

CONGRATULATIONS TO YUGO NAKAI

(Mr. RAY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. RAY. Mr. Speaker, I rise today to congratulate Yugo Nakai of Columbus, GA, on winning the nationwide essay contest on the subject of "What We Learned From the Holocaust."

Yugo Nakai is 13 years old. Yugo and his parents are my constituents. His father is Minoru Nakai, who is a corporate employee with A. Flac, a Columbus, Georgia-based \$9 billion insurance company.

Yugo Nakai is a seventh grader from Fort Junior High School in Columbus, GA. He is an excellent student. He has done well in the National Geography Bee and has participated in the Odyssey of the Mind Program.

A special word of congratulations must also go to Yugo's parents, Mr. and Mrs. Minoru Nakai, and the Muscogee County school system which Yugo attends.

Mr. Speaker, Yugo's paper is an excellent essay on the Holocaust and the need to always remember that horrible event. I urge my colleagues to read it.

Mr. Speaker, I include the essay with my remarks, as follows:

HOLOCAUST, THE STRICT TEACHER

(By Yugo Nakai, Grade 7, Fort Junior High School, Columbus, GA)

The Holocaust is a cruel and vivid reminder of what can happen when people hate. Such senseless mass destruction is so incomprehensible that some of us deny it even happened, either consciously or unconsciously—simply shutting out a concept too evil for the mind to accept. Consequently, we also shut out the painful but invaluable lessons of the Holocaust. However, unless we face the truth (and the naked, obscene evidence left behind by the death camps), the same mistakes that started the Holocaust will be repeated, and the agony that millions suffered will be worth nothing.

One lesson that must be learned from the Holocaust is that we as Americans have responsibilities to our fellow human beings, be they poor, black, Muslim, homosexual, Polish, or mentally handicapped. America, the so-called stronghold of freedom everywhere, sat still and watched as Nazi Germany con-

quered, tortured, and humiliated most of Europe. It is our responsibility to risk all that is precious to us for the basic rights of humans, no matter who they are or where they are from. We must stand up and defend other people's rights or our own rights are meaningless.

Some say that our armed forces shouldn't be used to protect people in other countries. "Why should we risk American lives for foreigners?" they argue. My answer is this: If you saw an innocent person threatened on the street, wouldn't you do something? To sit back and watch people get hurt is morally wrong. Unless we defy the aggressors and murderers, we will be as guilty as Hitler. If aggressors are not stopped, they can gain enough power to start a Holocaust. Like cancer, they must be eliminated or weakened before they become lethal.

We must not ignore crimes against civil rights, even if the victims are different from us physically or have differing ideas. We must remember that they are still humans, and deserve to be treated and thought of as such.

In America, almost all blatant acts of racism have ceased. However, the hatred, the prejudices and stereotypes are still alive and unwell. These feelings are caused by ignorance and driven by hate. They are rarely, if at all, based on truth, and when and if they are, they contain only a minute amount. Nearly every American is influenced by prejudices and stereotypes, consciously or unconsciously. They are programmed into us by movies, television, peers, and society in general. These feelings are not as obvious as the earlier acts of segregation and total denial of civil rights and therefore are unchallenged. Because they are virtually accepted as part of society, they are very hard attitudes to overcome. But overcoming the idea that one race is superior to others is perhaps the most important thing to be learned from the Holocaust.

We must look long and hard at ourselves to prevent more Holocausts. Are we really standing up for freedom? Do we treat minorities with respect and equality? Are we willing to defend others' rights and freedoms, even though doing so may cost us dearly? Until we can truthfully say yes to all of these questions, until we have learned from our mistakes and atoned for our errors made during the Holocaust, the weight of millions of deaths rides on our shoulders. And that's a heavy burden.

A TRIBUTE TO VOLUNTEERS AT WESTOVER AIR FORCE BASE

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NEAL of Massachusetts. Mr. Speaker, it is with a deep sense of pride that I rise today to pay tribute to the military and civilian volunteers at Westover Air Force Base in Chicopee, MA, who have been faithfully greeting the troops returning home from the Persian Gulf. Since the February 27 cease-fire, literally thousands of volunteers have worked tirelessly to ensure that each and every soldier receives a hero's welcome. To date, Westover has greeted 15,488 troops returning home from the Kuwaiti theater of operations.

Around the clock, the troops are being greeted by enthusiastic crowds waving American flags and wearing yellow ribbons. The homecoming committee, under the leadership of Brig. Gen. Frederick Walker, has welcomed returning soldiers at all hours of the night with a endless supply of hot dogs, hamburgers, and cold beer. Chicopee Mayor Joseph Chessey has offered words of inspiration and supported the effort. Base personnel express their show of support through handshakes, cheers, and other gestures of good will. While their stay may be brief, it is certain that the troops will never forget the hospitality and encouragement given to them by the people at Westover.

Mr. Speaker, I would like to submit these following articles as part of the RECORD, and I join my constituents by welcoming our brave troops home. The texts of the articles follow:

[From the Springfield (MA) Union-News, Mar. 1, 1991]

W MASS RESERVIST SHARED FEARS IN LETTERS SENT TO WIFE, CHILDREN (By Cynthia Simison)

Craig Harbour knew the war was coming when he wrote to his three young children Jan. 15.

"It's important that you know that I am scared," he said.

In the letter that would arrive 3½ weeks later at the family's home in Springfield and be read at the supper table by his 9-year-old son, the Army Reservist told the children, "Today is the last day of peace. Tomorrow, there may be war."

"I don't get scared easily. I'm scared because I don't now what is going to happen. Usually, I am very much in control. In this war, I have no control," he said.

From quarters near an air base in Dhahran, Saudi Arabia, where his medical unit from Westover Air Force Base, Chicopee, has been living and working for the past three months, the 36-year-old captain wrote, "Every time a plane takes off, I wonder if that will be the one that starts the war."

He told his children that his own father had gone off to war.

"He, too, must have been scared, but he made it. So will I."

He told them he hoped it would be a "short war."

He asked them to "say a prayer each night for me to come home soon."

And he said he missed them.

"I want to go swimming, play ball, watch your dancing. I can't do that here with you," he wrote.

Harbour asked eldest son, Justin, Ryan, 7, and Christina, 5, to "remember I love all of you as I know you love me" and telling them, "your love is keeping me going."

It is probably the most moving of Harbour's letters home, his wife, Kathe, said this week, as she read over the dozens the family has received since Harbour left for war duty the Saturday after Thanksgiving.

Craig Harbour is one of the 49 members of the Army Reserve's 173rd Medical Group that serves as a command and control unit, sending casualties through field hospitals for treatment. This week, the unit was at work helping evacuate and arrange treatment for the U.S. soldiers injured when a Scud missile struck a military barracks.

By yesterday, the group still was aiding the medical activities in Dhahran, but members were "very upbeat" about the potential of returning home within the next four to six weeks, according to Gerald Dolloff, rear detachment officer.

Where one Scud hit, the 173rd and other units in Dhahran had been threatened before.

A tape recording that Harbour sent to his family bears out the realities of war that units removed from combat have had to face—eerie sounds of explosions, soldiers getting into chemical warfare suits, missiles flying through the sky, and a repeated message in the background saying, "Scud launch . . . Scud launch . . . Scud launch . . ."

Before Monday, there has been no successful Scud attacks by the Iraqis on Dhahran. All, like the one Harbour recorded, had been intercepted by U.S. Patriot missiles.

His letters, tapes and the telephone calls he's been able to make every 10 days have helped Harbour's family endure his absence and learn about the medical-equipment salesman's new work.

On the homefront, his wife has been working to keep a family-support network together for the 173rd and trying to organize a support program within the Springfield school system to help children understand and cope with war.

The news of the cease-fire seemed "too good to be true," Kathe Harbour said. She is skeptical about whether the war is over. "It seems too easy. Until I see him coming off the plane. I won't really believe it," she said.

The captain's letters are tied together with a brightly colored shoestring and kept on his wife's bedside table so she can re-read them before she goes to sleep at night.

Kathe remembered the children were "very silent" after the Jan 15 letter was read Feb. 7, the day it arrived. She keeps each envelope marked with the date the letter was written and its date of arrival. Initial three-week delivery periods have been shortened to anywhere from 10 days to two weeks, she said.

"I began talking about how my father went to war, too, and that he came home and how our grandfathers had been in World War I and came home," Kathe said.

Justin broke the children's silence, asking, "So, it's sort of a family tradition, and maybe I'll go to war some day." His mother said she responded, "Let's just pray it never gets to that point."

When the children came down stairs to breakfast yesterday and were told about the cease-fire, Ryan, who turns 7 today, said, "That means the war is over and Dad is coming home." You could visibly see his forehead go up two inches," his mother said.

In one of Craig's most recent letters, written before the ground war began, he said, "I predict I'll be home in May. Let's hope."

A letter received Wednesday recounted his rest-and-relaxation visit to a cruise ship in Bahrain, aboard which soldiers have been given a few days' leave from their war duties. Written two weeks before, he said they were "between phases of the war," and it had "been a very slow time," a situation that changed Monday with the Scud Attack.

His early letters chronicled the 173rd's arrival in Saudi Arabia and members' living in tents before being settled into an apartment building outside Dhahran. "It is a very Western city. Even saw a Toys R Us. It is very large and spread-out. Very modern with superhighways," he wrote in one letter in early December.

In another, he was less than enthusiastic about the situation. "This place has to be

the most God-forsaken place ever. There is absolutely nothing. Garbage is thrown everywhere, anywhere . . . Found out today we are living on a landfill. Most of this country is a landfill. There is no zoning."

Describing his first windstorm, Harbour wrote, "That inside of our tent was covered in dust. I'm used to it by now. You live with being dirty all the time. There are only degrees of dirtiness."

[From the Springfield, MA, Union-News, Mar. 5, 1991]

WESTOVER GREETTS TROOPS WITH CHEERS, BEERS, TEARS

(By Cynthia Simison)

WESTOVER AIR FORCE BASE.—With less than a half-hour's notice, there were cheers and beers here to greet the first soldiers returning home from the Persian Gulf since last week's cease-fire.

"Real food," yelled one Army sergeant in his desert gear as he crossed the threshold into the Chicopee base main hangar late yesterday morning to see flags flying, hamburgers being grilled and cold beers stacked high.

Despite the hasty preparations as their C-5A Galaxy transport was diverted at the last minute from its planned destination at Dover Air Force Base in Delaware, the 20 homeward-bound soldiers were treated to a homecoming reminiscent of a Fourth of July celebration—complete with red, white and blue tablecloths, picnic tables and plenty of food.

They were greeted with hugs, kisses, handshakes and even some tears from a crowd of Air Force reservists, American Red Cross volunteers and AT & T operators who have been manning a free telephone center for soldiers at the Westover passenger terminal.

Said one Red Cross worker, Exie Holl of Westfield, "We were choked up when we sent them off to war. Now we're choked up welcoming them home."

"This is great. I felt good just being on that plane coming home, but now I feel even better," said Army 1st Sgt. Steven Choy.

A member of an Army Airborne unit that saw combat near Basra, Iraq, during last week's ground war, Choy said "the support from the American people was great. It kept us going."

"A welcome like this makes you feel appreciated," said Army Sgt Jimmy Jemison, an Alabama National Guardsman.

En route to his home in Austin Texas, 1st Sgt. Albert Noble, a member of an Army helicopter company that saw desert combat said he was looking forward to "pizza and tacos" when he reached his final destination.

Noble recalled his last views of the desert where he had spent five months from the plane he flew out on Sunday morning. "I flew over the battlefield . . . It looked like a big tank junk yard," Noble said.

He added that "not a single person" in his company had reservations about their war service.

"Everybody had been ready to go when we were told Aug. 5 . . . They did their job," he said.

Westover's Brig. Gen. Frederick D. Walker, commander of the 439th Military Airlift Wing, made the rounds among the soldiers, shaking hands and delivering beers.

"No one will come back from the sands without a hero's welcome. We'll be here like this every time they arrive, whether it's 1 in the morning or 5 in the afternoon," Walker said.

Chief Master Sgt. Charles Fusco, the base's senior enlisted adviser, was flipping burgers,

hot dogs and kielbasa as soldiers joined the homefront chow line. Even though things were different when he returned home from duty in Vietnam almost 20 years ago, Fusco said, "This is great. There's no doubt about it."

Westover officials have been hoping to have steak and lobster waiting for the troops that pass through Chicopee, but, to date, have been unable to muster the finances to guarantee it for the returning soldiers. A committee of military and civilian organizations is at work on plans for more elaborate welcoming festivities, Fusco said.

Fresh back from a tour of flying operations in Saudi Arabia, Fusco said most soldiers he had talked to in the desert asked that "good old American food" be waiting for them.

"Most of them really just want to get home," Fusco said, recalling one soldier who told him "all I want to do is go home, grab ahold of my kids and never let go."

A dozen of the first returning soldiers were members of a "special operations" unit and were barred from meeting with media. Most of the eight others got to head home early from the desert as they were released on emergency leaves because of deaths and illnesses in their families.

Choy, whose father-in-law died more than a week ago, said he had to wait to head home until his unit's involvement in the ground war was completed. He said though, that his unit's work appeared to be done and his fellow soldiers are expected home soon. His job at Fort Bragg will be "to get the unit's barracks area ready for their return," Choy said.

Choy said his first plans for homecoming are "to get the Christmas with my kids that we didn't have and maybe wrap Thanksgiving in with it too."

[From the Springfield, MA, Union-News, Mar. 6, 1991]

A GENERAL'S WELCOME AT 3 A.M.—WALKER GREETTS RETURNING SOLDIER

(By Cynthia Simison)

WESTOVER AIR FORCE BASE.—Brig. Gen. Frederick D. Walker made good on his promise to give every returning soldier from the Persian Gulf a hero's welcome no matter the hour with an early morning greeting yesterday.

Walker and a band of senior officers from the base were on the tarmac at 3 a.m. to greet Army Specialist Arthena Wheeler of Hillsdale, N.Y., when she stepped off a C-5A Galaxy transport.

Several members of Wheeler's family were also on the ramp for the welcoming ceremonies as Wheeler returned home for an emergency leave because of illness in her family, according to Gordon Newell, base public affairs officer.

"When I saw the star on (the general's) hat, at first I thought something had gone wrong," the returning soldier told Newell.

When she realized it was Westover's way of welcoming her back from Saudi Arabia, Wheeler said, "It is absolutely wonderful to be back in the good ol' U.S.A., but I never expected anything like this."

Wheeler was the only returning soldier to come through Westover yesterday.

Wheeler served as a vehicle operator assigned to the 4th Transportation Company of the Army's 16th Support Group. Before being deployed to the gulf in early December, she had been stationed in Ludwigsberg, Germany, Newell said.

Newell said Wheeler told him she does not expect to be returning to desert duty. Once her emergency leave is over, she indicated

she will apply for a "Compassionate reassignment" to an Army base in the States, Newell said.

On Monday, the base welcomed home 20 other returning soldiers, the first since last week's ceasefire in the gulf war. At that time, Walker pledged, "No one will come back from the sands without a hero's welcome. We'll be here like this every time they arrive, whether it's 2 in the morning or 5 in the afternoon."

Westover, which shipped more than 31,000 soldiers and 77,000 tons of cargo off to the gulf, has become the main westbound staging area for the return of troops. Increasing numbers of soldiers are expected to be returning over the next weeks.

The airlift of cargo to the gulf to sustain the remaining forces is also continuing as part of Westover's work. In the 24 hours that ended yesterday at 8 a.m., Westover transports had departed with 218 tons of cargo bound for the gulf, according to base statistics. There were no eastbound passengers.

[From the Springfield, MA, Union-News, Mar. 7, 1991]

JOYOUS WELCOME FOR RETURNING TROOPS IS "GENUINELY HISTORIC"

(By Dick Garvey)

The headline on Cynthia Simison's story in the Union-News earlier this week read: "Westover greets troops with cheers, beers, tears."

The 20 soldiers returning from the Persian Gulf had been scheduled to land at Dover Air Force Base in Delaware, but their C-5 Galaxy transport was diverted to Westover which had only a half-hour notice before landing.

That was time enough for Red Cross volunteers, AT&T operators who have been manning a free telephone center for servicemen, and Air Force reservists to decorate the place in patriotic theme, put hamburgers on the grill, and get out the cold beer.

Westover's instant party is yet another joyous manifestation of the American pride that the war was so successful, relief that it is over, and gratitude that the cost in American casualties was so remarkably light.

This feeling of elation at a war's end is without precedent.

The Spanish-American War was brief, but losses to disease were great.

Forerunner of the National Guard in Western Massachusetts was the Second Massachusetts Regiment, and its members returned from Cuba by ships to New London and arrived in Springfield on the afternoon of Aug. 27, 1898.

When the Hampshire soldiers reached Northampton station at 4:30, a crowd awaited them, but, as Lt. James Gilfillan wrote:

"Neither the returning soldiers nor the people of the city, however, were in the mood for exultant demonstration. The company of buoyant, vigorous young men, who had departed for war only four months before, were now returning with strength and spirit broken down by hardships and disease."

The return of Western Massachusetts' 104th Regiment of the Yankee Division at the end of World War I was more joyous, and the Union's main headline reported a program to provide a civilian job for every member of the regiment.

Proposals for war memorials in Springfield ranged from a veterans' clubhouse (for which money was appropriated and then withdrawn) to a natatorium, including a granite shaft, and parks and playgrounds, before the city settled for a plaque.

While enthusiasm ran high, veterans were invited to a chicken dinner at the Kimball,

and 650 showed up. The only price they had to pay was to listen to numberless after-dinner speakers.

The first military units to return after victory in Europe during World War II were scheduled for redeployment to the Pacific. It was hardly a time for rejoicing.

On May 22, 1945, a fleet of 65 Liberator and Flying Fortress bombers of the U.S. Eighth Air Force, carrying 275 officers and 800 enlisted men, landed at Bradley Field in Windsor Locks from England.

The men were given 30-day furloughs before reporting for reassignment to the war in the Pacific.

Soldiers arriving home to stay were those with more than 85 points, based on length of service, age, marital status, number of children, and many other factors.

Other servicemen were assigned to fill the ranks of units which discharged men with high points. So, the most strenuous celebrations came only when Japan surrendered in August and the war was over.

Even then, many thousands of troops had to be retained as occupation forces in Japan, Germany and other Axis countries, and other military units were assigned to bases throughout the Pacific and Europe.

Troops from the Korean "police action" and the Vietnam War came home to a disunited nation that was hardly in the mood to rejoice or to conduct instant parties.

So, there has never been a time when so many men and women will return so swiftly from such a brief war in which American casualties were light.

Despite warnings that many Middle East problems remain unsolved, Americans are euphoric and wish to honor the military personnel who fought so successfully.

This moment is genuinely historic because it is without precedent in our history.

This moment will form the benchmark against which all future American attitudes toward the soldier will be measured.

[From the Springfield, MA, Union-News, Mar. 1, 1991]

WESTOVER PUTS OUT "WELCOME" MAT (By Cynthia Simison)

WESTOVER AIR FORCE BASE.—This base, which sent troops and supplies to war, will be among the first to welcome soldiers home from the Persian Gulf.

The end of the armed conflict in the gulf will renew intensive work here as the base becomes the main staging area for the return of cargo and troops from the Middle East.

Returning soldiers could begin landing at the Chicopee base as early as this weekend, Brig. Gen. Frederick D. Walker, commander of the 439th Military Airlift Wing, predicted yesterday.

After overseeing the transport of more than 77,000 tons of cargo and 31,000 troops to the gulf, Westover will begin a "reverse flow" of the airlift that, to date, has seen the base's C-5A Galaxy jets involved in close to half of the U.S. movement of materials for the war.

Plans are already underway for a "heroes' welcome home" for the homeward-bound troops with Walker and other base officials announcing a commitment to work with business and community leaders and military support groups to organize welcoming activities.

Representatives of the Galaxy Community Council, a support group for the base, the American Red Cross and United on the Homefront, a pro-policy military support group, began meeting with base representa-

tives yesterday morning to plan activities, Walker said.

"We don't know yet whether it will be lobster or steak. But I hope the flags will wave and bands will play," said Walker, who added that one integral part of the soldiers' welcome will be to "have a cold beer waiting for those people who haven't had one in seven months."

Col. William Lee, who will head up the homecoming plans, said several meetings of organizers have already been planned through next week. Though the number of troops coming home through Westover is still uncertain, Lee said the message to be delivered in the welcoming is uppermost in his mind.

"The important thing is that we just want to make sure they know everybody appreciates what they did and that they're welcome home," Lee said.

Special celebrations are expected to be organized for New England Reserve and National Guard units, as well as Westover's own team of nurses and medics, who were dispatched to the gulf.

There are two Army and Marine Reserve units, stationed at Westover, which have well over 100 soldiers stationed in the desert. Spokesmen for the two units said today that their members are "doing well," but there was no word yet on when they might return.

Walker said the 1,500-plus Reservists on active duty with the Air Force at Westover, many of them since December, to keep the C-5A fleet shuttling supplies and soldiers to the war "will remain busy for some time."

The base's more than 650 maintenance workers have been working round-the-clock to ensure the planes have moved in and out of the base without incident. The C-5 fleet "is still in good shape. We are just amazed at the amount of hours put on these planes. Their failure rates are surprisingly low," said Capt. Cam LeBlanc, maintenance control officer.

The scheduling and logistics of the airlift home have yet to be announced. "It's up to Gen. (Norman) Schwarzkopf. We have to handle things according to his schedule," Walker said. "We'll try to be ready to handle whatever we're asked to," the general said.

C-5A transport crews from Westover will also continue to haul supplies to the gulf to support soldiers who remain in the area, according to the general.

As many as 20 incoming flights per day may be on tap, comparable to the flight schedule Westover undertook at the start of the new year when there was a surge of airlift activity in preparation for the air and ground wars.

Along with the C-5s and other transport planes, commercial jetliners under contract with the military to convey troops may be landing at Westover for refueling en route to other locations in the United States.

It was an obviously jubilant Walker who met with reporters to talk about the return of troops. "We are all smiles," Walker said. "And I am very happy, elated. I've got a son over there and now I don't have to worry as much."

Walker said it was "only speculation" at this point that soldiers could begin filtering through Westover within the next several days. But, he said, "We have 73 westbound seats aboard the C-5s, and they're bound to be occupied."

**SPECIAL ORDER VACATED AND
SPECIAL ORDER GRANTED**

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that a previously granted special order of 60 minutes for myself today be vacated and replaced with a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

JAPAN'S CONFUSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, recently I spoke on this floor about the Japanese investing in our trophy golf courses and how they are raising the membership fees for those courses.

It aroused so much interest that a friend of mine, Sal Monte, president of New Jersey's Kenrich Petrochemicals sent me a piece by Charles Osgood, CBS News. It was originally presented on CBS last fall.

Mr. Osgood's poetry is quite good. It captures the irritation that Americans have right now with Japan about both their purchase of golf courses, and, their reluctant dance in pulling their fair share in freeing Kuwait.

ODE TO THE JAPANESE

The Japanese would rather buy us out than help us out, at least according to Charles Osgood. Here's a poem he presented on the CBS Radio Network, Sept. 7, 1990.

The United States is saying to our friends the Japanese,

The Persian Gulf is costing us, so would you help us please.

We are not doing this for U.S. interests alone,

The Japanese need oil too, that fact is widely known.

It's the Gulf that fuels the plants of Nissan and of Subaru,

And Honda and Toyota and of Mitsubishi too.

And the effort we are making now there in the Middle East,

Deserves support from Tokyo, financially at least.

They're offering a billion bucks attached to many strings,

The billion dollars would be buying only certain things.

What sort of thing, you wonder, could a billion dollars buy?

The Japanese have lots of money, why are they so shy?

Perhaps there's something Westerners just cannot understand,

Some cultural aversion to a place with so much sand.

And yet while they seem not to hear what Bush's men beseech,

The Japanese have just gone out and purchased Pebble Beach.

Four golf courses and two hotels are involved in it they say,

It includes the Lodge at Pebble Beach and the Inn at Spanish Bay.

And the Price? Must be about a billion, most observers feel,

With the beaches and the sand traps, all included in the deal.

So while there is some resistance to the desert sort of sand,

The Monterey Peninsula, you surely understand,

Is a sand of quite a different hue and quite a different sort,

And golf has the appeal of both a business and a sport.

So the Japanese invest a billion dollars more or less,

When we said Gulf, they must have thought that we said Golf, I guess.

There will be a reaction from America's golfers if the Japanese continue to acquire our golf courses and raise the memberships to \$750,000 or even \$1,000,000. What has been a gentleman's sport will be forever transformed.

In polite society in the United States we have a term for those throwing their money around. We call them nouveau riche. Or perhaps the Japanese just want to raise the fees so the American golfers can caddy for them.

**THE FOREIGN INTERESTS
REPRESENTATION ACT OF 1991**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing legislation to tighten, toughen, and update the Foreign Agents Registration Act. The original cosponsors of the bill are PAT SCHROEDER, BILL HUGHES, DAVID BONIOR, BUTLER DERRICK, HOWARD BERMAN, JOHN BRYANT, ED FEIGHAN, RON WYDEN, PETE HOAGLAND, CHARLIE ROSE, and SAM GEJDENSON. My bill will require persons whose lobbying of the legislative or executive branch would benefit a foreign interest to disclose the details of their activities. This legislation is intended simply to shed sunshine on lobbying by foreign interests so legislators, administrators, and the American public are aware of who is working to influence public policy, and who is paying for it.

The world has changed dramatically since the Foreign Agents Registration Act was originally used to disclose Nazi and Communist propaganda in the 1930's and 1940's. With the end of the cold war, we should be less worried about ideological indoctrination and focus our concern instead on the global economic competition that has seen some of our Nation's strongest industries overwhelmed and finest economic and cultural assets sold to foreign purchasers.

Foreign corporations and governments spend hundreds of millions of dollars annually to gain access and advantage in the American economy. They employ influential lobbyists, many of whom are well-respected former U.S. Government officials, to make their case in Washington. Many of our top trade negotiators leave Government only to appear the next week at the opposite side of the bargaining table representing foreign interests. This is perfectly legal, indeed, we set the rules and create the economic circumstances which invite foreign investment. Our free trade policies and huge budget deficits have opened the

door wide to foreign investors. We need foreign investment, but we do not want foreign investors to begin setting the rules and policies which govern our country.

In a number of cases in recent years, foreign corporations have hired teams of Washington lobbyists and public relations professionals to silence possible Government interference in foreign buyouts of U.S. corporations, and oppose efforts in Congress to impose trade sanctions for unfair and illegal trade practices. Many of these efforts currently are not covered by the Foreign Agents Registration Act.

I believe all contacts with the Government intended to benefit a foreign principal, other than informational filings required by law, should be disclosed to the Justice Department. My legislation will close a number of loopholes in the law which allow informational visits to go undisclosed and persons not employed by the foreign entity to be exempt, even though their work clearly benefits a foreign interest.

Let me explain the major provisions of my bill:

First, my legislation attempts to get rid of the stigma attached to the label "foreign agent," which is commonly believed to cause great reluctance to register with the Justice Department. It is widely held that the approximately 900 persons currently registered represent only a fraction of the total who should register under FARA. FARA would be renamed as the "Foreign Interests Representation Act." The term "political propaganda" would also be dropped in favor of "promotional or informational materials." Other negative terms like "indoctrinate" and "convert" would be replaced by the neutral term "influence."

Second, the bill would create a new category of "representative of a foreign interest" required to register with the Justice Department; persons who are not controlled by a foreign interest but who undertake political activities in furtherance of commercial, industrial, or financial operations with a foreign principal. This would bring under the law a whole category of lobbying by individuals and corporations attempting to influence public policy to substantially benefit a foreign entity as well as themselves. American corporations who, for example, seek action to end sanctions against a foreign country or company or ask the Government to refrain from enforcing the trade laws have the same effect as if the foreign entity did the lobbying directly and should be required to register.

Third, my bill establishes a test to determine what constitutes foreign control. Entities that are more than 50 percent foreign owned would be presumed to be foreign controlled and required to register. Entities with between 20 and 50 percent foreign ownership would also be considered foreign controlled, but the presumption could be rebutted with evidence. Less than 20 percent foreign ownership would not require registration. This attempts to clear up an area of frequent confusion which may have contributed to underregistration in the past.

Fourth, my bill narrows an exemption which allows an agent of a foreign principal to not

register as long as they take part only in non-political activities in furtherance of bona fide commercial interests, by making the only permissible conduct for these exempt individuals' responses to direct requests by an agency or in the context of a formal judicial or administrative proceeding. This provision addresses a grey area of contact which I believe should be prohibited unless it is disclosed.

Fifth, my bill addresses one of the administrative problems which hampers the effectiveness of FARA. Currently, registrants submit updated disclosure forms every 6 months after the initial registration. This system has made it almost impossible to know at any given time how many persons are registered and files are never really current. My bill would require followup registration forms to be filed by January 30 and June 30 each year. There would be a provision for the Justice Department to make exceptions for entities whose fiscal year does not follow the calendar year on a case-by-case basis.

Sixth, my bill eliminates an exemption which allows the President to exempt foreign governments "vital to the U.S. defense" which could lead to confusion and has not been used in over 40 years.

Seventh, my bill narrows the current exemption for lawyers to address a grey area of contact with agency officials that may concern a formal administrative proceeding but is nonetheless off the record. So much in the area of trade is decided by Federal agencies that a blanket exemption for administrative proceedings no longer is justified. The exemption remains for representation before a court of law and before the Patent and Trademark Office, which proceedings are secret under current law.

Eighth, my bill requires persons relying on one of the exemptions under the act to notify the Justice Department of their intention. Many commentators have surmised that lax enforcement of FARA has resulted in underfiling due to casual, broad reliance on the act's exemptions. The filing of such notice will at least ensure that potential registrants have read the act and are aware of the consequences of ignoring or intentionally violating its requirements.

Finally, my bill establishes civil penalties and enforcement tools. The harsh criminal penalties in FARA may be one reason the Justice Department has been reluctant to enforce the act. So, I have set out more reasonable civil penalties, in addition to existing criminal penalties, for violating the act and for late filings. The penalties give a judge flexibility to impose fines of between \$2,000 and \$1 million, depending on the nature and duration of the violation. In addition, my bill gives the Justice Department the power to summon individuals to testify and produce records, tools of enforcement which are badly needed.

Mr. Speaker, foreign influence in our Government's decisions is only one aspect of a much larger problem, the need for the United States to aggressively promote its own economic interests through public policy. This country had better wake up to the fact that American industry, the golden goose of our prosperity, needs to have the Government on its side in the global economy. I have also supported efforts to limit the revolving door

and to reform the system we use to finance campaigns. I intend to ask the chairman of the Judiciary Committee, JACK BROOKS, for prompt action on this issue in the 102d Congress.

GARY LAPAILLE EARNS "MAN OF THE YEAR" AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call the attention of my colleagues to the recent accomplishments of Gary LaPaille, the chairman of the Democratic Party of Illinois.

Because of his humanitarian efforts on behalf of women and minority groups, the Joint Civic Committee of Italian Americans recently named Mr. LaPaille as its "Man of the Year." At age 36, Mr. LaPaille is the youngest person ever to receive the award in its 33-year history.

The JCCIA leadership presented its "Man of the Year" honors to Mr. LaPaille during the group's yearly installation dinner on April 6 at the Chicago Hilton and Towers, located at 720 South Michigan Avenue in Chicago.

Mr. LaPaille was named chairman of the Democratic Party of Illinois in April 1990. Since then, he has made great progress in a short time. One of his major goals as chairman has been to enhance opportunities for minorities and women in the Illinois Democratic Party.

During the 1990 fall election campaign, Mr. LaPaille helped dozens of African-American and women candidates, including several who won statewide offices in Illinois. For example, with Mr. LaPaille's support, Roland Burris became the first African-American ever elected to the office of Illinois attorney general. Charles Freeman also became the first African-American ever elected to the Illinois Supreme Court, and Dawn Clark Netsch was elected as the State's first female comptroller.

Dominic Di Frisco, the president of the Joint Civic Committee of Italian Americans, recently praised Mr. LaPaille's efforts to encourage greater participation by women and minorities in State politics. Mr. Di Frisco noted that, "Mr. LaPaille's commitment to helping all of the people of the State, not just a select few, has had a tremendous impact."

At this time, I would like to offer my congratulations to Mr. LaPaille for receiving this honor from the JCCIA. I believe people throughout Illinois and the Nation, both Republicans and Democrats, can look with pride on Mr. LaPaille's record of achievement.

Finally, I would like to express my best wishes to Mr. Di Frisco and the entire membership of the JCCIA. The Joint Civic Committee of Italian Americans is an umbrella organization representing more than 60 civic, fraternal, service, religious, and social groups of Italian-Americans in the Chicago area. I am extremely pleased that this fine organization saw fit to name Mr. LaPaille as its "Man of the Year."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce important legislation that will strengthen the State's role in the offshore oil leasing process.

As my colleagues well know, I have had longstanding concerns with the failure of the Outer Continental Shelf [OCS] Leasing Program to provide States with a strong voice in the OCS decisionmaking process. I think that my colleagues that have shared my involvement with this issue would agree that it is this particular failure of the program which is at the core of the extraordinary controversy surrounding the OCS issue.

Last year, after several years of trying, I was successful in having the Congress enact legislation overturning the 1984 Supreme Court decision in *Watt versus California* which had seriously limited the ability of States to block leasing that was inconsistent with their federally approved coastal management plans. While the enactment of this legislation restored to the States an important right to review Federal OCS lease sales for consistency with the State's coastal management plan, it is clear that more improvements to the process must be made. The bill I am introducing today, which was also introduced by Senator BOB GRAHAM in the Senate, would strengthen the States' role in the OCS leasing process further.

The OCS Lands Act currently requires the Secretary of the Interior, in developing and implementing the OCS Program, to consult with the Governors of the affected States. Yet in practice the Department has been unwilling to give little more than nominal consideration to States' concerns. The bill I am introducing would amend the OCS Lands Act to give Governors of coastal States greater authority over whether or not to include areas off that State in a 5-year OCS Leasing Program developed by the Department, and in determining whether a proposed lease sale provides a reasonable balance between the national interest and the well-being of the State. In addition, it would require the Department, in determining the national interest in OCS leasing, to give environmental protection equal weight alongside oil and gas production.

The bill also revises the standards that guide the Department of the Interior in deciding when an existing lease ought to be canceled to facilitate decisions that will protect the environment and provides that if the Secretary cancels an existing lease compensation to the lessee for the canceled lease may be in any combination of cash, forgiveness of rents or royalties, or credits against future bonus bids.

Finally, the bill amends the OCS Lands Act to require that all basic environmental studies related to a lease sale be completed, peer-reviewed, and published at least 180 days before the

lease sale is announced. This is an important change as it will alert all parties involved in the process to the environmental concerns with a particular lease sale prior to that lease being sold.

Mr. Speaker, the message of this legislation is clear. The fate of our Nation's coastline can no longer be held within the confines of the Federal Government. If coastal States are going to bear the brunt of the industrialized and environmental risks associated with OCS development, it is only fair to make them a key player in the OCS decisionmaking process. By making the offshore leasing process more responsive to the concerns of coastal States, this legislation will greatly improve the stewardship of our natural resources. I urge my colleagues to join me in this effort by supporting this legislation.

ESTABLISHMENT OF NATIONAL UNIVERSITY FOR NATIVE AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, yesterday I introduced a bill to provide for the establishment of a National University for Native Americans. This bill is part of an effort to improve an educational system in this country which, for any number of reasons, has failed dismally in educating this country's native Americans.

On the bright side of this educational equation are recent indications that given an educational atmosphere to which native Americans can relate, test scores and other indicators go up. This should come as no surprise to anyone; each culture which successfully educates its youth does so through a system which reflects that culture's goals and aspirations. The question I ask is why should it be any different for native Americans? Obviously, it should not be.

Five hundred years of interaction between Europeans and native Americans have resulted in 24 tribally operated community colleges in the United States. This is to educate a population of nearly 2 million native Americans. In contrast to these limited educational opportunities, this country's black Americans have 160 colleges and universities available to them, with Howard University alone receiving \$195 million in fiscal year 1991. I believe many of the achievements black Americans have reached can be attributed to education, in many cases, education received at black colleges and universities. As an example of how successful such an education can be, I point to Justice Thurgood Marshall.

Mr. Speaker, having seen the success of this Nation's black colleges, I be-

lieve they can be used a role model of a system that is working. I am not saying the system is perfect, or that we are doing all we should to educate the African-Americans in this country, but I am saying an analogy can be drawn between the Nations 160 black colleges and universities with Howard University at the top, and a system for our native Americans. My proposal would use the 24 tribally controlled community colleges now in existence as conduits to one national university. This would provide those students in the tribally controlled colleges a higher level of education achievable within this supportive system. I contrast this to our present system of educating native Americans.

Mr. Speaker, we often hear that native Americans supposedly have a negative attitude toward education. Throughout history this Nation has tried to educate the native American. I submit Mr. Speaker, that this so-called education, in my humble opinion, was an effort to abolish a rich and unique culture more than it was an effort to instill knowledge and training. Whenever an Indian youth was sent to school, he was not there simply to learn how to read and write, he was sent there to be reprogrammed. He was taught that his moral and social values were wrong, and that his beliefs were based upon superstition and ignorance, that his customs were uncivilized, and the native American was told to forget his own cultural heritage. Perhaps the earliest sign of this can be found in 1744 when Benjamin Franklin translated the opinions and words of the chiefs of the Six Nations at Lancaster, PA after some of their young men participated in western education. This is taken from a special report by the Carnegie Foundation for the Advancement of Teaching entitled, "Tribal Colleges: Shaping the Future of Native America," copyright 1989, and I quote:

But you, who are wise, must know that different nations have different conceptions of things; and you will therefore not take it amiss, if our ideas of this kind of education happen not to be the same with yours. We have had some experience of it; several of our young people were formerly brought up at the college of the northern provinces; they were instructed in all your sciences; but when they came back to us, they were bad runners, ignorant of every means of living in the woods, unable to bear either cold or hunger, knew neither how to build a cabin, take a deer, or kill an enemy, spoke our language imperfectly, were therefore neither fit for hunters, warriors, nor counselors, they were totally good for nothing. We are however not the less oblig'd by your kind offer, tho' we decline accepting it; and, to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruction them in all we know, and make men of them.

Perhaps if your forefathers had accepted the gracious invitation of the chiefs of the Six Nations, our history

would be other than what it is. However, because of the arrogant attitude that the white way was right and the Indian way was wrong, a movement began in this country to correct and educate the native American. This is reflected in the college entrance examination board 1989 publication "Our Voices, Our Vision: American Indians Speak Out on Educational Excellence."

Historically, white Americans invaded Indian country, established colonial institutions, and subjugated most sovereign Indian nations to Federal domination. Under duress, tribes ceded most of their land holdings and lost their economic self-sufficiency through forced changes in lifestyles. Federal policy makers implemented a coercive assimilation policy aimed at destroying tribal life. Traditionally, parents, clan members, and religious leaders taught children tribal values, religious precepts, political ideology, and other skills to live a well-balanced life. Under white authority, Indian children frequently suffered a torrent of abuse. Government officials sent children to distant boarding schools where they were punished for speaking their own language, taught to believe that their Indian ways were evil, and inculcated with values antithetical to tribal life.

In the 1950s, when the Federal Government sought to cancel its trust obligation to Indian tribes, Federal budget cuts shifted emphasis from boarding schools to local public schools. Although most Indian students thereafter lived at home and attended local schools, the aim of State-administered education remained essentially the same: assimilation.

I submit, Mr. Speaker, that if someone were to offer me a wonderful education with the condition being that I renounce all that I am, I too would develop a rather negative attitude toward that person's idea of education.

The irony of this is that in any treaty ever signed by the American Indians and the white man, American Indians put education first. Perhaps I am wrong, but it is my belief that education is a gift. It is the transmission of knowledge from one individual to another, with the hope that this knowledge will make that individual a better person, not a different person. From the very beginning, the native Americans wanted that education, but over the years our Nation has been most neglectful of such an important responsibility. Yes, we can claim a lot of money has been spent on Indian education, but I submit, that the amount of money that is spent on a project is poured down the drain if that project is not properly planned and executed. It is my belief that this Government rarely plans anything well when it comes to the education of native Americans. This is made very apparent when we examine the results of this Nation's neglect of the native Americans: They have a high school graduation rate of 43 percent, they have a poverty rate of 45 percent, and they have an unemployment rate of 35 percent.

I share with you an excerpt from the journal "Change", published by the

Carnegie Foundation for the Advancement of Teaching January/February Issue 1990.

Native Americans are considerably under-represented in higher education today. The barriers for young Indians seeking a degree are formidable. Reservations are isolated, chronically neglected regions with depressingly persistent problems. * * * From them, college seems a distant opportunity.

For the last few decades, Mr. Speaker, we have seen an increase in native Americans attending postsecondary classes. While any increase is a step in the right direction, the actual number of native Americans attending colleges and universities is still extremely low. In the 10-year period between 1976 and 1986 there was an increase of 14,000 native Americans enrolled in postsecondary institutions across the United States. This increase, Mr. Speaker, constitutes less than 1 percent of the total 1980 native American population. The actual percentage of these students that received degrees is lower still.

I would like to share with you some facts gathered from national magazine, Education Week, August 2, 1989, "The High Cost of Education". Native Americans have the highest dropout rates of any racial or ethnic group in the United States. In 1980, the U.S. Education Department put the figure at 29 percent on high school sophomores. Other studies, go as high as 50 percent.

What is more, they show that native American children begin dropping out of school much earlier than other groups, often in the elementary years.

There are also other problems that are affecting native American education today. Teenage pregnancies in many communities exceed national levels. Alcoholism and substance abuse are at epidemic levels. Soaring unemployment on reservations makes migration to cities an attractive alternative to poverty. Students of BIA-funded schools often do not speak English as their first language, and many students come from social environments where poverty and joblessness are pervasive. The parents of many Indian children are not well educated themselves and often find it difficult to help their children in school. The poorer families cannot provide proper nutrition at home which contributes to children being sent to BIA boarding schools where students are served three meals a day.

I submit, Mr. Speaker, that with an educational history such as this, is it a wonder that many native American youth do not view education in a positive light? Most native American youth have had no incentive or encouragement to continue their education even from a early age. They have a very poor view of all levels of education and it is up to us to change that perspective. I believe that the establishment of a native American univer-

sity with native American administrators would help to create a more positive perspective of education for all native Americans.

Over the past few years, several colleges and universities across the Nation have made special grants available to native Americans. These programs are helpful, yet they lack the ability to meet all the needs of the native American student. Most of these schools do not provide any form of native American cultural education for the students once they are enrolled.

American Indians have many educational needs that differ from those of mainstream Anglo-Saxon society and that many Indians feel that the assimilation objectives of American education are detrimental to the social, economic, and political well-being of their communities. Indians want direct control over educational institutions serving their children and some method of strengthening the partnership between communities and educational systems.

This, Mr. Speaker, is my second point. I believe that we need to encourage the continuing education of native Americans by establishing a link between native American education and culture. For too long, native Americans have been denied their cultural beliefs and forced to suppress their cultural values and ideals.

This belief was confirmed by Mr. William Geier, in an article in Education Week, August 2. Mr. Geier, a consultant who toured Indian country in the fall of 1986 as part of an informal field study for the Edwin Gould Foundation for Children, said in his report that "throughout this trip, I had the overwhelming and sinking feeling that I was witnessing a process of complaisant, almost voluntary, genocide."

I submit, Mr. Speaker, that the desire to further one's education is drastically hindered by the knowledge that that education in most circumstances does not acknowledge or include any of your cultural values or beliefs. By establishing a native American university, we will be combining the education and cultural background that will encourage young native Americans to strive for higher levels of learning.

In every case where native Americans have had control of their education and have combined that learning with their cultural values and beliefs, the results have been tremendously successful as far back as the 1800's there are examples of this. A 1989 issue of Education Week provides the following:

In the mid-1800's * * * the Choctaws of Mississippi and Oklahoma had supervised a system of about 200 schools and academies. The Cherokees of Oklahoma, using an alphabet developed by the tribal leader Sequoyah, achieved a literacy rate of 90 percent during the 1850's.

In 1979, the Zuni Tribe in New Mexico concluded a decade-long study that found more

than 40 percent of school-age children were not enrolled in school. That same year, Zuni high school graduates recorded average scores just above the 8th grade level on the State's Comprehensive Test of Basic Skills.

Ten years later, Superintendent Hayes Lewis of the Zuni public schools proudly cites an annual dropout rate of only 3 percent and a 34-percent college-attendance rate among 1988's high school graduates.

He attributes the turnaround to the tribe's decision to break away from a large public-school district and establish its own reservationwide district.

As you can see, Mr. Speaker, the combination of culture and education do work, and I submit that by establishing a native American university we will see this combination work again.

I propose that the university be established on university level standards while at the same time offering the cultural atmosphere of a tribally controlled community college. I would like to share with you, Mr. Speaker, a little information on tribal colleges. This is taken from Mr. Schuyler Houser's article, "Building Institutions Across Cultural Boundaries," which was printed in the Journal Tribal College, Volume II, winter 1991. I quote:

First, the colleges characterize themselves explicitly as, in some way, being about values. They rely consciously on the values of their particular tribe or reservation to provide a frame of reference for discussions of institutional mission and educational purpose. The colleges believe that local tribal values, as each community defines them, are essential to the existence of the institutions, and to the education of their students.

The colleges have used traditional values of their communities to provide a powerful orientation towards the future, their own and that of their students. The colleges recognize themselves as new kinds of entities, with new missions and methods of operation. The institutions conserve, but also extend the heritage of their tribes.

Although there are 25 tribal colleges currently operating in the United States that do provide postsecondary education for some tribes, these institutions are grossly underfunded and are struggling to meet the educational needs of native American students. Tribal colleges play a very important role in the education of native Americans, and this is the very reason to establish a national university for native Americans so their educational program may continue on with greater emphasis on completion of a student's enrollment in their junior and senior year—and ultimately, complete the undergraduate program of study. Of course, students will always be encouraged to pursue graduate and postgraduate studies.

Mr. Speaker, I believe that by establishing a national American Indian university, we will be encouraging native Americans to further their education by offering them a unique program of study that will enhance not only their own self-esteem, but break

centuries-old barriers and social obstacles that have been associated with native Americans for too long. Under such circumstances, I believe native Americans will excel in the sciences, mathematics, history, politics, and yes—even in the arts and humanities.

Mr. Speaker, I believe that a native American university would also help promote America's appreciation of native American cultural and social values. An institution of this kind would give young native Americans a place to learn without giving up their identities and would help them develop pride in their rich and unique cultural heritage. Also, a native American university would help this generation and future generations of native Americans better appreciate the contributions of native Americans to our Nation and to the world.

Mr. Speaker, an American Indian by the name of August Breuninger felt that a university for Indians would be the greatest step that educated Indians could make in uniting their people. He felt it would single Indians out as really progressive Indians, and would provide a better influence for the upcoming generation.

Mr. Speaker, August Breuninger was an educated native American who saw the same dream that I have today, only he saw it in 1911. Eighty years have passed between the time when Mr. Breuninger wrote those words and I now stand here today before my colleagues in this historical Chamber, and in Mr. Breuninger's time and era, Mr. Speaker, families have been torn apart, hearts have been broken, time has been wasted, and an entire culture has almost been destroyed and decimated. My question to my colleagues, Mr. Speaker, do we find that the lot of native Americans today is any better than it was 80 years ago? How about 200 years ago? I say it is not so, in fact, in many ways we have gone the wrong direction.

Mr. Speaker, I need not remind my distinguished colleagues that next year will mark 500 years since the arrival of Christopher Columbus to the New World. You will note that I said, "arrival" of Columbus to the New World, and not discovery for the obvious reason that there were millions of people living in the Western Hemisphere before the arrival of Columbus.

I note with sadness that at a recent hearing before the House Foreign Affairs Subcommittee on International Operations—of which I serve as a member—I found out that as part of the world's commemoration of 500 years since Columbus' arrival in America the State Department will construct a multimillion dollar pavilion at the World's Fair next year at Seville, Spain, and nowhere will the American Indians' contributions to the founding of this Nation be mentioned.

How many people know that the so-called Irish potato that saved the people of Ireland from starvation, was nothing but an imported root plant from America? And who shared the use and consumption of the potato with the early settlers other than the American Indians?

How many people know that the American Indians have made essential contributions to the world, including prehistoric cultivation and harvesting of corn, squash, peppers, beans, and sweet potatoes, all of which have become mainstays of the American diet.

How many people know that the ancestors of today's American Indians, gave assistance to the early European visitors, including knowledge and training provided to the Pilgrims in how to plant, fertilize, and cultivate corn, beans, squash, and tobacco; how and where to fish and hunt; how and where to tap maple syrup; and the location of the best routes west.

How many people know that certain concepts such as freedom of speech, the separation of powers in government, and the balance of power within government, all were found in the political systems of various American Indian nations, and influenced the formulation of the Government of the United States of America.

Mr. Speaker, how many people know that the medicines of the American Indians prior to the arrival of Europeans, were far superior and many are still in use today, including quinine for the cure of many ailments; hemlock and pine leaves as a source of vitamin C to cure scurvy; coca leaves to reduce hunger, drowsiness, and thirst; curare, from the vine chondodendron, as a fast-acting poison for arrow tips—now used as a muscle relaxant and for treating tetanus; and ipecac, from the root of cephalalis ipecacuanha, to treat dysentery.

How many people know that many of the words used in the English language today are original Indian words, including hickory, moose, racoon, caucus, tamarack, caribou, maize, canoe, chocolate, chili, pecan, coyote, hurricane, and possibly the expression OK—from the Choctaw "okeh."

Mr. Speaker, the list goes on, but the problem continues. The good citizens of our country—and I would say a great majority of them—are simply ignorant of so many of the contributions American Indians have shared with our Nation, and what have the native Americans gotten in return? Simply this, among all Americans, native American Indians rank the lowest—and I repeat, Mr. Speaker—the lowest in educational achievements of any group in the United States.

Mr. Speaker, I suspect many of my distinguished colleagues will question me concerning the cost effectiveness of such a national university for native Americans. Indeed, at a critical point

of our Nation's problems with a national recession and a monumental deficit—where are we going to get the money to fund the national university?

Well, Mr. Speaker, in the midst of a financial crisis last year—somehow our President and the Congress were able to appropriate some \$850 million to provide economic assistance to the Governments of Nicaragua and Panama in Central America, and all I am proposing is \$30 million to establish a national university to assist the plight of some 2 million native Americans of our Nation—the descendants of those who helped with the founding of our country; who fought and died alongside their fellow Americans during World War I, World War II, the Korean Conflict, Vietnam, and the Persian Gulf.

Mr. Speaker, I submit \$30 million can never repay the sacrifices and tremendous sufferings native Americans had to live with since the arrival of settlers in the New World. There were thousands of native Americans who served in the Persian Gulf. I submit, Mr. Speaker, our native American community has earned and merited, similar to what Congress has provided for the establishment of Howard University for black Americans over the years, a national university, and I sincerely hope that my colleagues will search deeply within their souls and conscience, that we may do the right thing by giving the native American community of our Nation—a national university with a unique character that will promote and enhance not only native American history and culture, but advanced studies in the sciences and technology.

Mr. Speaker, I believe the establishment of a national university for native Americans will also mean a reexamination of our present policies toward the educational needs of native Americans. It is quite obvious that the statistics I have cited earlier are indicative that we are failing in the process of educating these sons and daughters of the forest and plains.

It is my honest opinion that the salvation of the native American community of our Nation lies with education. The establishment of a national university for native Americans will be an added milestone for their development not only to meet the demands of modern civilization, but that they can also contribute substantially to the well being of our Nation's spiritual, political, social, and economic needs.

I ask my distinguished colleagues to join me in this endeavor. I would welcome further suggestions on ways to improve the provisions of this proposed legislation. And of course I look forward to hearing from native Americans throughout the country, and welcome

their ideas and comments on this matter.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American University Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the percentage of Native Americans completing high school is deplorably low, despite continued attempts to improve the situation;

(2) the abuse of alcohol and drugs continues to pose a serious threat to health and safety of Native Americans;

(3) studies have shown a strong correlation between improved scholastic success and a sense of cultural identity in Native American students;

(4) a focal point is needed at which native Americans could pursue higher degrees within the context of a system which promotes strong cultural identity;

(5) current Federal and tribal programs to improve the well-being of native Americans through increased awareness of cultural identity are showing significant progress but these programs are still in need of a central location from which bachelor and post graduate degrees can be obtained; and

(6) the establishment of a national university for native Americans is in the best interests of the Nation as a whole.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—There shall be established, in accordance with the provisions of this Act, a national university to provide a program of undergraduate education for native American youth in the arts and sciences, to be known as the "National Native American University" (hereinafter in this Act referred to as "the University").

(b) BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—The University shall be incorporated and administered under the direction of a Board of Trustees composed of 9 members appointed by the Secretary of the Interior, of whom—

(A) 3 shall be American Indians,

(B) 1 shall be a native Alaskan or Eskimo, and

(C) 1 shall be a native Hawaiian.

(2) TERMS.—Members of the Board shall be appointed for terms of 4 years, except that—

(A) of the Members first appointed—

(i) 2 shall be appointed for terms of 1 year;

(ii) 2 shall be appointed for terms of 2 years;

(iii) 2 shall be appointed for terms of 3 years; and

(iv) 3 shall be appointed for terms of 4 years;

(B) a Member appointed to fill a vacancy occurring before the expiration of a predecessor's term shall be appointed for the remainder of that term;

(C) a Member may continue to serve after the expiration of his or her term until a successor is appointed; and

(D) no Member shall serve more than 10 consecutive years on the Board.

(c) BOARD AUTHORITY.—The Board is authorized—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regula-

tions as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

SEC. 4. SELECTION OF SITE; AUTHORIZATION OF FUNDS.

(a) SITE SELECTION.—The Secretary of the Interior, after consultation with, and with the consent of, the Board, shall designate a site or an appropriate land area for the establishment of the University. The Secretary of the Interior and the Board shall make every effort to provide a land area to be located within the continental United States that affords the maximum opportunity for native American students to attend the University and to successfully complete their undergraduate and graduate programs.

(b) ACQUISITION BY PURCHASE OR DONATION.—The land may be obtained through purchase or donation by the Federal Government, a State Government, or by private citizens or corporate ownership.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the acquisition of land and construction and operation of the University—

(1) \$30,000,000 for fiscal year 1993; and

(2) \$20,000,000 for each of the 5 succeeding fiscal years.

SEC. 5. REQUIRED PROGRAM OF STUDY.

The University shall establish and operate a program of study on native American culture and the care and management of Native Americans by the United States Government, including the care and allotment of Indian lands by the Government.

□ 1510

FOSTER CARE PET ADOPTION SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 15 minutes.

Mr. ROSE. Mr. Speaker, I am pleased to take this opportunity to call the attention of my colleagues to the foster care pet adoption service—a most impressive and unique program which is developing to serve a very personal and often overlooked need shared by many of the men and women serving this Nation in the Persian Gulf. Sometimes the ab-

sence of a close friend or family member who can step in to provide adequate care allows many military personnel no alternative but to give up their pets when they are called to active duty in the Persian Gulf. To many of these people their pets are like a dear friend or a close companion, and the fact that they will not be home to greet them when they return is very disheartening and painful. In order to avoid this additional stress for our Nation's active duty military foster care pet adoption services are developing nationally.

I am very proud to say that the first U.S. military base to implement this option developed in my district at Fort Bragg, NC, during the early stages of Operation Desert Shield. Four people deserve to be credited for their efforts in spearheading the Fort Bragg's program: Scott Fairchild, chief of psychology at Womack Army Community Hospital at Fort Bragg, who first recognized the need for such a service, his wife, Priscilla "Sally" Fairchild who developed the solution; Maj. William Nusz, deputy commander for veterinary services; and Capt. Timothy Stevenson, a base veterinarian. Their cooperative efforts account for the program's on-going success. As the point person at Fort Bragg Mrs. Fairchild's committed efforts for her "Adopt-A-Pet" service has matched more than 60 pets left behind by Fort Bragg's military personnel who are stationed in the Persian Gulf with temporary adoptive families. When these soldiers return home she will assist them in being reunited with their pets. Her efforts have served as a national prototype.

Simultaneously, the Humane Society of the United States [HSUS], the Nation's largest animal protection organization, has addressed this problem nationally. The HSUS has contacted 3,800 animal shelters and humane organizations nationally, encouraging each to set up an informational hot line matching foster care families with interested local military personnel. Additionally, because the families of many servicemen and women remain home, yet suffer from a reduced income, the HSUS is encouraging the donation of pet food or money to local shelters which will channel these supplies to requesting families. Successes are being reported from San Diego to Las Vegas, from Michigan to North Carolina to Washington—the call to offer temporary homes to these animals or substantive support to the families is being met.

While Fort Bragg has an outstanding veterinary care facility capable of on-site foster care services, most military installations do not. Therefore, cooperative community efforts, such as those suggested by the HSUS, are necessary if this service is to work nationally.

I strongly support the foster care pet program, and encourage my colleagues in the House to advocate similar efforts in their home districts. Such small assurances to our troops can mean so much. Uprooted from their homes, separated from their families, serving their Nation in a country offering so little familiarity or comfort to an American, the foster care pet program is one small, but significant way to help preserve the personal lives of our servicemen and servicewomen have left behind.

[From the Fayetteville Observer Times]

DOGS OF WAR (By Mark Price)

They've been called the forgotten victims of Operation Desert Storm.

They're not the wives, or the children or even the close friends of deployed soldiers, but rather their house pets.

Priscilla "Sally" Fairchild of Fayetteville calls them the "children left behind."

As an animal lover, she says she was appalled at learning that many of the departing soldiers were being forced to abandon or give away pets because they couldn't afford the \$7-to-\$10 a day fees charged by most kennels.

Shortly thereafter she came up with the idea for Adopt-A-Pet, a program that matches the furry four-legged "children" of deployed soldiers with "parents."

Ms. Fairchild likens it to a temporary adoption service that allows the soldiers to reclaim their pets when they return from the fighting.

"The main reasons I wanted to do this was to alleviate the soldier's fear and worrying. He needs to worry about his mission over there, not what Sparky is doing over here," says Ms. Fairchild, who heard of the problem from her husband, Dr. Scott Fairchild, chief of psychology at Womack Army Community Hospital.

"I like the idea of being able to reunite these families when this thing is over. A lot of these dogs are like a child to these people, particularly the soldiers who are single and don't have children. They want their child back," she says.

Since the Army began deploying soldiers last August, Ms. Fairchild has worked in conjunction with Fort Bragg Veterinary Facility to place close to 50 pets with volunteer families in Cumberland and several surrounding counties.

The bulk of the adoptees have been small dogs and cats, she says. There have also been some lizard and snake adoptions, among them a three-foot-python named Psycho.

The only kind of pets she won't take are guard dogs, which are said to be a bit testy in new surroundings.

Ms. Fairchild has discovered it's toughest to sell volunteers on the idea of adopting "families of pets" (two or more owned by the same person) and big dogs.

She currently has five big dogs in need of a home, among them a two-year-old golden retriever named Magnum. The owner, Lt. Jose Rodriguez-Ramos, expects to leave Fayetteville in February and admits being worried about his dog.

"I've only been in Fayetteville 5½ months, so it's not like I know anyone here to ask. I may be gone a year," Lt. Rodriguez-Ramos says.

"I'm worried about who he may end up with, if they're nice people and all. He's a good dog, my sweetheart, my child. I want him some place where they'll love him," he says.

Because of the large number of calls coming in and a shortage of help, Ms. Fairchild says she doesn't have the time to screen volunteers.

To adopt a pet, all they need do is agree to take the animal into their home and care for it as if it were their own. This includes making sure the animal's veterinary needs are met, she says.

The owner is asked to supply medical records, a list of any peculiarities, permission to act in case of medical emergency and a means of paying for any bills incurred.

So far, everything has run smoothly, Ms. Fairchild says, with only a few volunteers calling to back out.

"I think a lot of people never realized that this operation was going to go on this long. I know of one soldier who left his dog chained in the yard, thinking it was going to be an in and out thing like Panama. It stayed there for two weeks before I got it," she says.

"I know there are a lot of people who may not know about this program and did something else with their dog, including letting it loose. The MPs (Military Police) found a lot of stray dogs after the deployment begin," she says.

Officials with the Fort Bragg Veterinary Services facility verify that there has been an "influx" of strays on Fort Bragg since the deployment began.

Similarly, such privately run animal shelters as Animal Haven have been full for the past few months, mostly with the pets of deployed soldiers.

Ms. Fairchild says she came up with Adopt-A-Pet knowing that places like Animal Haven were already full and refusing to take more animals.

Other options, such as the county's Animal Control Department, have time limits for holding a pet after which the animal is put to sleep.

"This is the part of the operation no one thinks of the idea that soldiers' pets would be put to sleep while they're serving their country. It's pretty disturbing," Ms. Fairchild says.

"I think we may have more of it, too. We have people leaving now and there's no telling when they'll return. The way I see it, this program is a way for the people in the community to show their support."

[From the Charlotte Observer, Jan. 26, 1991]

FOR PETS, THESE ARE DOG DAY AFTERNOONS

(By Diane Suchetka)

What do you do with your dog when you get shipped overseas?

If you're stationed at Fort Bragg near Fayetteville, you call Priscilla "Sally" Fairchild.

Since August, when Fort Bragg soldiers began leaving for Saudi Arabia, Fairchild has found temporary homes for more than 60 orphaned pets—46 dogs, 9 cats, 4 snakes, 2 frogs, a turtle, a collared lizard, even a legless lizard.

"The main reason that I'm doing this is just to keep the morale of the soldiers up," says Fairchild, 37, an Estee Lauder beauty adviser at Thalhimers.

"And also to know that they're going to be reunited with their whole family when they get back. And for the well-being of their animals, too."

But the snakes had her worried for a while. She got her first request to find a foster home for a serpent in September. The last one, about a week ago.

"I thought, 'What am I going to do with these damn snakes?' I don't know anything about snakes—just what I read in National Geographic."

But it only took Fairchild a couple of days to find a foster home for the first snake. A reserve soldier adopted it in September. Later she adopted another.

Then, in November, she got shipped overseas.

That's when Norma Kelch came to the rescue. So far, she's taken in three of the reptiles, including the ball python named Psycho.

"I like snakes," she explains. Another foster parent is caring for the fourth.

Fairchild got the foster owner idea from her husband, Scott, chief of psychology at Womack Army Community Hospital at Fort Bragg.

He was working with some soldiers on coping with stress overseas when one soldier said she didn't know what to do with her two dogs while she was gone.

"Why don't you just put them to sleep?" suggested another soldier.

Fairchild, owner of a basset hound named Chelsea, didn't want that to happen.

So she started Adopt-A-Pet a few weeks after the August deployment. And she'll help reunite pets with their owners when they return.

"People can't just keep their animals in a kennel for six or eight months," says Fairchild. "It's expensive, and horrible for the animal."

"And it's hard to just drop it off on a neighbor, especially if they don't really care for the animal."

Word of her free matchmaking service spread on local radio and TV stations and through the Fort Bragg newspaper. So far, hundreds of foster owners have volunteered.

"It's just been fabulous," says Fairchild. "We could go through three more wars and you couldn't use them all up."

THE CONFLICT IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, today, I join my colleague from Maryland, Mrs. BENTLEY, in introducing a resolution calling for a peaceful settlement of the conflict and an end to the bloodshed in Yugoslavia.

A nation of rich cultural and ethnic diversity, modern Yugoslavia was established in 1918 at the Paris Peace Conference ending World War I. The Federation of South Slavs emerged from the old Habsburg Empire in the north and the old Ottoman Empire in the south. Yugoslavia contains people from eight distinctive ethnic groups and four religions, and it is a federation of six republics: Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. Despite this heterogeneity, Yugoslavia has a long and impressive history of independence and fierce resistance to foreign annexation. The Yugoslavs withstood Hitler's invasion in the spring of 1940-41, thereby delaying his eastern campaign to Moscow by several months when most thought their nation would be easy prey for Hitler's war machine. Similarly, Yugoslavia defied Soviet expansionism and interference throughout the cold war, establishing an independent Communist nation outside the Soviet orbit following Marshall Tito's break from Stalin in 1948.

As a complex amalgam of ethnic groups in six republics, Yugoslavia faces the difficult transition from communism to democracy and economic liberalization. Recently, economic woes and differences of opinion about the future composition of the Yugoslav Federation have ignited longstanding ethnic animosity, resulting in violent clashes between opposing political and ethnic groups. These issues have exploded in armed conflict in Serbia and Croatia.

If Yugoslavia is to survive this transition and have a chance to improve the lives of its proud people as a future Federation of Democratic Republics, the views of all ethnic groups and republics must be tolerated in open dialog, and force must not be used to silence public outcry. We in Congress must state our unequivocal opposition to the use of force by the Federal Government, or by any group in Yugoslavia. If we remain silent, we condone intimidation as an acceptable means of handling internal dissent.

Our resolution sends a message to the leaders of the six republics and to the people of Yugoslavia. It calls for no discussions to take place in the future composition of Yugoslavia without the inclusion of each republic and each ethnic group. Furthermore, it urges the leaders of Yugoslavia to resolve their differences through open dialog, and denounces the use of coercive measures in settling political and intraethnic disputes. In addition, it urges the leaders of the republics to tolerate peaceful demonstrations and dissenting opinions, and it encourages further progress in adopting democratic and free market principles.

Mr. Speaker, I urge my colleagues to join us in supporting this resolution and, at this point, I include a copy of the resolution.

H. RES. 121

Whereas the United States supports Yugoslavia's transition from communism to the adoption of democratic principles and a free-market economy;

Whereas the United States supports Yugoslavia as a common state of the six constituent republics;

Whereas the ethnic groups of Yugoslavia's six republics contribute their rich cultures and traditions to the diversity and future composition of Yugoslavia;

Whereas the United States recognizes the Federal Executive Council as the legitimate Government of Yugoslavia;

Whereas the United States urges the leaders of Yugoslavia to fully include each of the six republics, Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia, in formal discussions in the Federal Executive Council, the Federal assembly, and between two or more republics on the future composition of Yugoslavia;

Whereas the United States urges the federal government of Yugoslavia to tolerate open dialogue about the future composition of Yugoslavia among the ethnic groups, elected officials, and opposition parties within the six republics in public demonstrations and in the decisions of the Federal Executive Council and the Federal Assembly;

Whereas the United States urges the people of Yugoslavia to resolve questions about the future composition of Yugoslavia through reform and democracy and not by the use of force by any of the republics, by the federal government, or by any opposition group; and

Whereas the United States condemns the use of force or intimidation by any of the six republics to discourage peaceful public assembly and open public dialogue about the future of Yugoslavia; Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the federal government of Yugoslavia to include all ethnic groups, all republics, and all opposition parties in discussions and decisions regarding the future composition of Yugoslavia;

(2) calls on the federal government and the governments of all republics to tolerate the rights of its people to engage in open dialogue about the future composition of Yugoslavia;

(3) calls on the federal government of Yugoslavia to progress in the transition from communism to the adoption of democratic principles and a free-market economy;

(4) supports the adoption of democratic principles and a free-market economy in Yugoslavia;

(5) condemns the recent use of force in Yugoslavia;

(6) calls on the federal government of Yugoslavia to refrain from the use of force in resolving inter-ethnic disputes; and

(7) calls on the President to announce that the United States will oppose any unjustified use of force and any abuse of human rights in Yugoslavia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEHMAN of Florida (at the request of Mr. GEPHARDT), from April 11 through April 26, on account of health reasons.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCDADE, for 60 minutes, on April 23.

Mr. SANTORUM, for 60 minutes, on April 23.

Mr. BURTON of Indiana, for 60 minutes, each day on April 23, 24, 25, and 30 and on May 1 and 2.

Mr. LEACH, for 60 minutes, today.

Mr. RIGGS, for 60 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Ms. LONG, for 5 minutes today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ROSE, for 15 minutes, today.

Mr. PANETTA, for 5 minutes, on April 15.

Mr. DEFAZIO, for 60 minutes, on April 17.

Mr. RUSSO, for 60 minutes, on May 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GALLEGLY.

Mrs. BENTLEY.

Mr. LOWERY of California.

Mr. RINALDO.

Mr. SCHIFF in two instances.

Mr. HYDE.

Mr. GINGRICH.

Mr. RHODES in two instances.

Mr. SMITH of New Jersey.

Mr. PURSELL.

Mr. SHAYS.

Mr. GREEN of New York.

Mr. ROTH.

Mr. MCGRATH.

Mr. YOUNG of Florida.

Mrs. VUCANOVICH.

Mr. GILMAN.

Mr. SUNDQUIST.

Mr. LAGOMARSINO.

Mr. MACHTELY.

Mr. BEREUTER.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. SYNAR.

Mr. TRAFICANT.

Mr. ATKINS.

Mr. STARK.

Mr. BONIOR.

Mrs. LOWEY of New York.

Mr. HERTEL.

Mr. LEVINE of California.

Mr. TOWNS.

Mr. DINGELL.

Mr. SLATTERY.

Mr. FUSTER.

Mr. SMITH of Florida.

Mrs. KENNELLY.

Mrs. LLOYD.

Mr. RAY.

Mr. ROYBAL.

Mr. RUSSO.

Mr. JACOBS.

Mr. SKELTON in three instances.

Mr. MILLER of California.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, April 15, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1063. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102-62); to the Committee on Appropriations and ordered to be printed.

1064. A letter from the Department of Defense, transmitting notification to retain the

commissary storage and issue function as an in-house operation at the U.S. Army Armament Research, Development and Engineering Center [ARDEC], Picatinny Arsenal, NJ, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1065. A letter from the Secretary of Housing and Urban Development, transmitting a report on the administration of the Interstate Land Sales Full Disclosure Act, pursuant to 15 U.S.C. 1719a; to the Committee on Banking, Finance and Urban Affairs.

1066. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer, by foreign military sale, of a specified naval landing ship dock to the Government of Mexico; to the Committee on Foreign Affairs.

1067. A letter from the Director, Federal Housing Finance Board, transmitting the annual report on the financial condition of the Federal home loan bank system pension portability plan for the plan years ending 1988 and 1989, pursuant to 31 U.S.C. 9503; to the Committee on Government Operations.

1068. A letter from the Director, Office of Government Ethics, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1069. A letter from the Director, Office of Personnel Management, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1070. A letter from the Chairman, Merit Systems Protection Board, transmitting the 11th annual report on the activities of the Board during fiscal year 1990, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

1071. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the construction of the Department of Transportation headquarters facility in Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1072. A letter from the Commission on Minority Business Development, Small Business Administration, transmitting a copy of the executive summary of the interim report of the U.S. Commission on Minority Business Development, pursuant to Public Law 100-656, section 505(b)(2)(A) (102 Stat. 3885); to the Committee on Small Business.

1073. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential Determination regarding drawdown in the gulf region; jointly, to the Committees on Appropriations and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. BOUCHER, Mr. MOOREHEAD, Mr. MCCOLLUM, Mr. FISH, Mr. SYNAR, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. FEIGHAN, Mr. SANGMEISTER, Mr. HYDE, Mr. SENSENBRENNER, Mr. GEKAS, Mr. CAMPBELL of California, and Mr. HOAGLAND):

H.R. 1717. A bill to amend chapter 96 (relating to racketeer influenced and corrupt organizations) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 1718. A bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMPBELL of Colorado (for himself, Mr. COSTELLO, Mr. ENGLISH, Mr. FROST, Mr. HOCHBRUECKNER, Mr. INHOFE, Mr. LANCASTER, Mr. LIPINSKI, Mr. MACHTELEY, Mr. MCGRATH, Mr. MRAZEK, Mr. ROBERTS, Mr. STALLINGS, Mr. STARK, Mr. WOLPE, Mr. JONTZ, and Mr. SISISKY):

H.R. 1719. A bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transfer or receiver of a stolen firearm, to increase the general penalty for violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mr. STARK, Mr. BLILEY, Mr. MCDERMOTT, and Ms. NORTON):

H.R. 1720. A bill to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes; to the Committee on the District of Columbia.

By Mr. DORGAN of North Dakota:

H.R. 1721. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax on individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. DELLUMS, Mr. FROST, Ms. KAPTUR, Mr. ROE, Mr. MCDERMOTT, Mr. SERRANO, Mr. FASCELL, Mr. MANTON, Mrs. UNSOELD, Mr. MORRISON, Mr. WILSON, Mr. BORSKI, Mr. WOLPE, Mr. TORRICELLI, Mr. RAVENEL, Mr. LEHMAN of Florida, Mr. MFUME, and Mr. RANGEL):

H.R. 1722. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. ACKERMAN, Mr. BENNETT, Mr. BEREUTER, Mr. BILBRAY, Mr. BOUCHER, Mrs. BOXER, Mr. CONYERS, Mr. DEFazio, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. EVANS, Mr. HARRIS, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. JENKINS, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Ms. LONG, Mr. MILLER of California, Mr. MRAZEK, Mr. MARTINEZ, Mr. OWENS of Utah, Ms. PELOSI, Mr. ROE, Mr. SMITH of Florida, Mr. STARK, Mrs. UNSOELD, and Mr. YATES):

H.R. 1723. A bill to require the Consumer Product Safety Commission to require the labeling of certain toys; to the Committee on Energy and Commerce.

By Mr. GIBBONS (for himself and Mr. CRANE):

H.R. 1724. A bill to provide for the termination of the application of title IV of the

Trade Act of 1974 to Czechoslovakia and Hungary; to the Committee on Ways and Means. By Mr. GLICKMAN (for himself, Mrs. SCHROEDER, Mr. HUGHES, Mr. BONIOR, Mr. DERRICK, Mr. BERMAN, Mr. BRYANT, Mr. FEIGHAN, Mr. WYDEN, Mr. HOAGLAND, Mr. ROSE, and Mr. GEJDENSON):

H.R. 1725. A bill to strengthen the Foreign Agents Registration Act of 1938, as amended; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. SCHULZE, Mr. GIBBONS, Mr. MOODY, Mr. RANGEL, Mr. LIPINSKI, Ms. KAPTUR, Mr. FROST, Mr. JONTZ, Mr. DWYER of New Jersey, Mr. VENTO, Mr. BUSTAMANTE, Mr. HUGHES, Mr. SCHEUER, Mr. MACHTELEY, Mr. SANTORUM, Mr. NEAL of North Carolina, Ms. MOLINARI, Mr. KOSTMAYER, Mr. HERTEL, Mr. YATES, Mr. EVANS, Mr. HOCHBRUECKNER, and Mr. LANCASTER):

H.R. 1726. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain oil and hazardous substance cleanup costs; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. OWENS of Utah, and Mr. ORTON):

H.R. 1727. A bill to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, UT, and how best to preserve the resources threatened by such salt loss; to the Committee on Interior and Insular Affairs.

By Mr. HERGER (for himself, Mr. LEHMAN of California, Mr. RIGGS, Mr. CONDT, Mr. DOOLITTLE, Mr. DOOLEY, Mr. DANNEMEYER, Mr. DYMALLY, Mr. YOUNG of Alaska, Mr. DAVIS, and Mr. JONES of North Carolina):

H.R. 1728. A bill to establish an Upper Sacramento River fishery resources restoration program; to the Committee on Merchant Marine and Fisheries.

By Mr. HOPKINS (for himself, Mr. ROE, Mr. BUNNING, Mr. HUBBARD, Mr. RAVENEL, and Mr. ROGERS):

H.R. 1729. A bill to amend the Water Resources Development Act of 1986 to provide Federal cost sharing for water supply projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MURPHY (for himself, Mr. ANNUNZIO, Mr. MCCLOSKEY, Mr. NATCHER, Mr. HOUGHTON, Mr. ROBERTS, Mrs. UNSOELD, Mr. FUSTER, Mr. ERDREICH, Mr. RAHALL, Mr. TRAFICANT, Mr. OBERSTAR, Mr. LENT, Mr. LIPINSKI, Mr. LEWIS of Florida, Mr. DEFazio, Ms. MOLINARI, Mr. YATRON, Ms. PELOSI, Mr. NEAL of North Carolina, Mr. TAYLOR of Mississippi, Mr. POSHARD, Mr. RANGEL, Mr. DOWNEY, Mr. HANCOCK, Mr. PORTER, Mr. KOPETSKI, Mr. BILIRAKIS, Mr. HAMILTON, Mr. MACHTELEY, Mr. MCNULTY, Mr. ROE, Mr. RAMSTAD, Mr. PENNY, Mr. WOLF, Mr. KLUG, Mr. ANDREWS of Texas, Mr. FROST, Mr. JEFFERSON, Mr. GOSS, Mrs. LOWEY of New York, Mr. COSTELLO, Mr. WILSON, Mr. SANGMEISTER, Mr. DIXON, Mrs. VUCANOVICH, Mr. PRICE, Mr. UPTON, Mr. DRIER of California, Mr. COX of California, Mr. HYDE, Mr. SOLARZ, Mr. DWYER of New Jersey, Mr. HAYES of Illinois, Mr. KOLTER, and Mr. CAMP):

H.R. 1730. A bill to amend title 10, United States Code, to establish procedures for determining whether members of the Armed Forces in a missing status or certain civilian

officers and employees are deceased, to require certain information to be kept in the personnel files of such persons, and for other purposes; to the Committee on Armed Services.

By Mr. HUBBARD:

H.R. 1731. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HUTTO:

H.R. 1732. A bill to extend the existing suspension of duty on chemical light activator blend; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. VANDER JAGT, Mr. JENKINS, and Mr. GRADISON):

H.R. 1733. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1734. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

By Mrs. KENNELLY:

H.R. 1735. A bill to amend the Internal Revenue Code of 1986 and title I of the Employee Retirement Income Security Act of 1974 with regard to pension integration, participation, and vesting requirements, to provide for studies relating to cost-of-living adjustments and pension portability, and to clarify the continued availability, under provisions governing domestic relations orders, of remedies relating to matters treated in such orders entered before 1985; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. LEACH:

H.R. 1736. A bill to require that all Federal printing be performed using cost-competitive inks whose pigment vehicles are made entirely from soybean oil, and for other purposes; jointly, to the Committees on Government Operations and House Administration.

By Mrs. LLOYD:

H.R. 1737. A bill to amend the Older Americans Act of 1965 to provide congregate nutrition services and intergenerational activities in elementary and secondary school facilities; to the Committee on Education and Labor.

By Mr. LOWERY of California:

H.R. 1738. A bill to provide an 8-percent pay increase for Federal employees within the San Diego, CA, Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mrs. LOWEY of New York (for herself, Mr. MURPHY, Mr. OWENS of New York, Mrs. MINK, Mr. DE LUGO, Mr. OWENS of Utah, Mr. BILBRAY, Mr. ENGEL, and Mr. WILSON):

H.R. 1739. A bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health promotion services, and for other purposes; to the Committee on Education and Labor.

By Mr. MANTON:

H.R. 1740. A bill to continue the suspension of duties on certain power driven flatbed knitting machines and on certain knitting machines designed for sweater strip or garment length knitting; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 1741. A bill to amend the Civil Rights Act of 1964 to reaffirm that title VII of such act applies with respect to the extraterritorial employment of U.S. citizens by certain employers; to the Committee on Education and Labor.

By Mr. MILLER of Washington:

H.R. 1742. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the city of Seattle, WA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 1743. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to provide an elective exemption from Social Security taxes for individuals who are 65 years of age or older; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. SOLOMON, and Mr. STEARNS):

H.R. 1744. A bill to amend Public Law 99-572 concerning the Korean War Memorial; to the Committee on House Administration.

By Mr. PANETTA (for himself, Mr. IRELAND, Mr. FASCELL, Mr. LEVINE of California, Mr. LEHMAN of Florida, Mr. HUGHES, Mr. PALLONE, Mr. McDERMOTT, Mr. HOCHBRUECKNER, Mr. MINETA, Mr. GOSS, Mr. CAMPBELL of California, Mr. GIBBONS, and Mr. LANTOS):

H.R. 1745. A bill to amend the Outer Continental Shelf Lands Act; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. REGULA (for himself, Mr. ROYBAL, Mr. RINALDO, Ms. OAKAR, Mr. SAXTON, Mr. EVANS, Mr. SKELTON, Mr. HERTEL, Mr. HUGHES, Mr. RAHALL, Mrs. MORELLA, Mr. MRAZEK, Mr. GOSS, Mrs. LLOYD, Ms. PELOSI, Mr. GILLMOR, Mr. ERDREICH, Ms. ROSELEHTINEN, Mr. MACHTELEY, Ms. MOLINARI, Mr. LEWIS of Florida, Mr. MANTON, Mr. FORD of Tennessee, Mrs. UNSOELD, Mr. BLAZ, Mr. BORSKI, Mr. NEAL of North Carolina, Mr. DWYER of New Jersey, Mr. SANGMEISTER, Mr. SMITH of New Jersey, Mrs. BYRON, Ms. SLAUGHTER of New York, Mr. PALLONE, Mr. VALENTINE, Mr. SPENCE, Mr. HOCHBRUECKNER, Mr. LAGOMARSINO, Mr. BILBRAY, Mr. MAVEROULES, Mr. DELLUMS, Mrs. BOXER, Mr. PAYNE of New Jersey, Mr. HORTON, Mr. ENGEL, Mr. POSHARD, Mr. McNULTY, Mr. HUCKABY, Mr. FISH, Mr. WEISS, Mr. ROE, Mr. GUNDERSON, Mr. FOGLIETTA, Mr. ROBERTS, Mr. OWENS of Utah, Mr. ACKERMAN, Mr. MARTINEZ, Mr. JONTZ, Mr. WILLIAMS, Mr. OWENS of New York, Mr. SERRANO, Mr. VENTO, and Mr. CLINGER):

H.R. 1746. A bill to establish the Comprehensive Preventive Health Program for Medicare beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RHODES:

H.R. 1747. A bill to provide tax incentives for the establishment of tax enterprise zones on Indian reservations, and for other purposes; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 1748. A bill to suspend temporarily the duty on ethanone-1, 2-naphthyl-; to the Committee on Ways and Means.

By Mr. RUSSO (for himself, Mr. KOLTER, Mr. VISCLOSKEY, Mr. TRAFICANT, Mr. CARDIN, Mr. RIDGE, Mr. REGULA, and Mr. LIPINSKI):

H.R. 1749. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 1750. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; jointly to the Committee on Energy and Commerce, and Science, Space, and Technology.

By Mr. SHAW (for himself, Mr. EVANS, Mr. DYMALLY, Mr. NEAL of Massachusetts, Mr. SERRANO, Mr. INHOFE, Mr. KOLBE, Mr. CHANDLER, Mr. HYDE, and Mr. BILIRAKIS):

H.R. 1751. A bill to amend the Fair Credit Reporting Act to require prompt disclosure by any consumer reporting agency to any consumer of adverse information relating to such consumer which is received by such agency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SLATTERY (for himself, Mr. DORNAN of California, Mr. FUSTER, Mr. GLICKMAN, Mrs. MEYERS of Kansas, Mrs. SCHROEDER, Mr. HARRIS, and Mr. QUILLLEN):

H.R. 1752. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect to annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. LEHMAN of Florida, Mr. WOLF, Mr. PENNY, Mr. BILEY, Mr. LANTOS, Mr. MOLLOHAN, Mr. BACCHUS, Mr. BILIRAKIS, Mr. COMBEST, Mr. COX of California, Mr. DORNAN of California, Mr. DUNCAN, Mr. EMERSON, Mr. GILMAN, Mr. HALL of Ohio, Mr. HENRY, Mr. HERGER, Mr. HERTEL, Mr. HOLLOWAY, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. LaFALCE, Mr. LANCASTER, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. MACHTELEY, Mr. MANTON, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. McEWEN, Mr. McNULTY, Mr. MILLER of Washington, Ms. NORTON, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. PAXON, Mr. RAMSTAD, Mr. RANGEL, Ms. ROSELEHTINEN, Mr. SCHIFF, Mr. SMITH of Florida, Mr. SOLOMON, Mr. STALLINGS, Mr. UPTON, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. ZIMMER, and Mr. WEBER):

H.R. 1753. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; jointly, to the Committees on Energy and Commerce; Education and Labor; Post Office and Civil Service; Armed Services; Ways and Means; Banking, Finance and Urban Affairs; and the Judiciary.

By Mr. STARK (for himself and Mr. MATSUI):

H.R. 1754.

A bill to amend title XVI of the Social Security Act to enable individuals to purchase assistance in the activities of daily living in order to maintain a residence in a natural residential setting, and to provide assistance to the States to enable them to ensure that supplemental security income recipients who require a representative payee or protective oversight care are adequately protected

against exploitation, abuse, and neglect; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. VALENTINE, Mr. DELAY, Mr. ARCHER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BLAZ, Mr. BLILEY, Mr. BOEHNER, Mr. COBLE, Mr. DANNEMEYER, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. EMERSON, Mr. FAWELL, Mr. GALLEGLY, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HEFNER, Mr. HUCKABY, Mr. IRELAND, Mr. KYL, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MCCURDY, Mr. PACKARD, Mr. RAY, Mr. ROBERTS, Mr. ROHRBACHER, Mr. SLAUGHTER of Virginia, Mr. SMITH of Texas, Mr. SMITH of Oregon, Mr. STUMP, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, Mr. WEBER, Mr. BATEMAN, Mr. LIGHTFOOT, Mr. KOLBE, and Mr. SPENCE):

H.R. 1755. A bill to repeal the Act of March 3, 1931 (known as the Davis-Bacon Act); to the Committee on Education and Labor.

By Mr. SYNAR:
H.R. 1756. A bill to amend the Act of June 24, 1938, to require the Secretary of the Interior to pay interest on Indian funds invested, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. VUCANOVICH:
H.R. 1757. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Post Office and Civil Service.

By Mr. WALSH:
H.R. 1758. A bill to provide for hearing loss testing for all newborns in the United States; to the Committee on Energy and Commerce.

By Mr. BACCHUS:
H.J. Res. 214. Joint resolution to recognize the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty; to the Committee on House Administration.

By Mr. ESPY (for himself, Mr. ASPIN, Mr. MONTGOMERY, Mrs. BYRON, Mr. DICKINSON, Mr. STUMP, Mr. BATEMAN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of Maine, Mr. APPELEGATE, Mr. BACCHUS, Mr. BENNETT, Mrs. BENTLEY, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BROWN, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CLEMENT, Mr. CRAMER, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DE LUGO, Mr. DICKS, Mr. DOOLITTLE, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. ECKART, Mr. ENGEL, Mr. ERDREICH, Mr. EVANS, Mr. FALCOMA, Mr. FASCELL, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. GALLEGLY, Mr. GORDON, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HERTEL, Ms. HORN, Mr. HOYER, Mr. HUGHES, Mr. JENKINS, Mr. JEFFERSON, Mr. JONES of Georgia, Mr. KANJORSKI, Ms. KAPUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KLUG, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LIGHTFOOT, Mr. LIPINSKI, Mrs. LLOYD, Ms.

LONG, Mr. LOWERY of California, Mr. MARTIN, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. MCDADE, Mr. McDERMOTT, Mr. McGRATH, Mr. McNULTY, Mr. MILLER of Ohio, Mr. MILLER of California, Mrs. MINK, Ms. MOLINARI, Mr. MOORHEAD, Mr. NEAL of North Carolina, Mr. PACKARD, Mrs. PATTERSON, Mr. PERKINS, Mr. POSHARD, Mr. PRICE, Mr. PURSELL, Mr. QUILLEN, Mr. RAHALL, Mr. RAMSTAD, Mr. RAVENEL, Mr. RAY, Mr. REED, Mr. REGULA, Mr. RIGGS, Mr. ROE, Mr. SAXTON, Mr. SCHEUER, Mr. SERRANO, Mr. SISISKY, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mr. SUNDQUIST, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Mr. UPTON, Mr. VALENTINE, Mrs. VUCANOVICH, Mr. WALSH, Mr. WAXMAN, Mr. WILSON, Mr. WOLF, Mr. WOLPE, and Mr. WYDEN):

H.J. Res. 215. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. LENT:
H.J. Res. 216. Joint resolution to express opposition to the Environmental Protection Agency's past increases in fluoridation levels in drinking water; to the Committee on Energy and Commerce.

By Mr. LEVINE of California:
H.J. Res. 217. Joint resolution to designate September 12, 1991, as "National DARE Day"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON (for himself, Mr. GORDON, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANDREWS of Maine, Mr. AU COIN, Mr. BARNARD, Mr. BATEMAN, Mr. BENNETT, Mrs. BENTLEY, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BOEHLERT, Mr. BOUCHER, Mrs. BOXER, Mr. BREWSTER, Mr. BROOKS, Mr. BROWN, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMP, Mr. CARDIN, Mr. CARR, Mr. CHANDLER, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLINGER, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COOPER, Mr. CRAMER, Mr. DARDEN, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DERRICK, Mr. DE LUGO, Mr. DICKS, Mr. DIXON, Mr. DORNAN of California, Mr. DOWNEY, Mr. DUNCAN, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EMERSON, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FALCOMA, Mr. FAWELL, Mr. FAZIO, Mr. FIELDS, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Mr. FUSTER, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GONZALEZ, Mr. GRADISON, Mr. GRANDY, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JACOBS, Mr. JEFFERSON, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. JONTZ, Mr.

KASICH, Mr. KENNEDY, Mr. KOLTER, Mr. KOPETSKI, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LAROCO, Mr. LEHMAN of California, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Ms. LONG, Mr. LUKE, Mr. MACHTELEY, Mr. MARKEY, Mr. MARTIN, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. McDERMOTT, Mr. MC EWEN, Mr. McGRATH, Mr. MCHUGH, Mr. McMILLEN of Maryland, Mr. MFUME, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MINETA, Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. NORTON, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. REGULA, Mr. RHODES, Mr. RINALDO, Mr. ROBERTS, Mr. ROE, Mr. ROSE, Mrs. ROUKEMA, Mr. SANDERS, Mr. SAWYER, Mr. SAXTON, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SLATTERY, Mr. SLAUGHTER of Virginia, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STARK, Mr. STENHOLM, Mr. STOKES, Mr. STUDDS, Mr. SWETT, Mr. TALLON, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UDALL, Mrs. UNSOELD, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WEBER, Mr. WEISS, Mr. WELDON, Mr. WILSON, Mr. WISE, Mr. WOLF, Mr. WYDEN, Mr. WYLLIE, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mr. ZIMMER):

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ROSE:
H. Con. Res. 115. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama; to the Committee on House Administration.

By Mr. ENGEL:
H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that President Bush should seek a complete cessation of Soviet aid to Cuba during the upcoming American-Soviet summit; to the Committee on Foreign Affairs.

By Mr. GRAY:
H. Con. Res. 117. Concurrent resolution recognizing the 75th anniversary of the establishment of the American Financial Services Association; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. TORRICELLI, Mr. MILLER of Washington, Mr. GILMAN, and Mr. BERMAN):

H. Con. Res. 118. Concurrent resolution concerning the Arab boycott against Israel; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress regarding the Knight Foundation's proposals for reforming the college athletics system; to the Committee on Education and Labor.

By Mrs. ROUKEMA:

H. Con. Res. 120. Concurrent resolution expressing the sense of Congress that consumers should be provided with incentives to save for long-term purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Education and Labor; and Ways and Means.

By Mr. KLECZKA (for himself and Mrs. BENTLEY):

H. Res. 121. Resolution concerning the conflict in Yugoslavia; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 122. Resolution condemning the high incidence of police brutality in the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

75. By the SPEAKER: Memorial of the House of Representatives of the State of Idaho, relative to increased Mountain Home AFB missions; to the Committee on Armed Services.

76. Also, memorial of the Senate of the State of Michigan, relative to 73 Michigan men still considered missing in action or prisoners of war from the Vietnam war; to the Committee on Foreign Affairs.

77. Also, memorial of the House of Representatives of the State of Idaho, relative to the National Air and Space Museum; to the Committee on House Administration.

78. Also, memorial of the House of Representatives of the State of Idaho, relative to pension plans; to the Committee on the Judiciary.

79. Also, memorial of the House of Representatives of the State of Idaho, relative to the reintroduction of wolves into certain areas; to the Committee on Merchant Marine and Fisheries.

80. Also, memorial of the House of Representatives of the State of Idaho, relative to Federal boat tax; to the Committee on Ways and Means.

81. Also, memorial of the House of Representatives of the State of Idaho, relative to the conflict in the Persian Gulf; jointly, to the Committees on Armed Services and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JOHNSTON of Florida introduced a bill (H.R. 1759) for the relief of James B. Stanley; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. McMILLEN of Maryland, Mr. LEHMAN of California, Mr. PALLONE, and Mr. TRAFICANT.

H.R. 12: Mr. KOPETSKI, Mrs. MINK, and Mr. SCHEUER.

H.R. 19: Mr. STARK.

H.R. 53: Mr. WALSH and Mr. GORDON.

H.R. 74: Mr. KOPETSKI, Mr. OWENS of Utah, Mr. ECKART, Mr. BURTON of Indiana, and Mr. MOORHEAD.

H.R. 78: Mr. PAXON and Mr. HEFLEY.

H.R. 117: Mr. DORGAN of North Dakota.

H.R. 127: Mr. RAMSTAD, Mr. PETERSON of Florida, Mr. OWENS of New York, Mr. RICHARDSON, Mr. MCCREY, Mrs. BOXER, Mr. JONES of North Carolina, Mr. COBLE, Mr. CHANDLER, Mr. DELLUMS, Mr. STALLINGS, Mr. FLAKE, Mr. PURSELL, Mrs. LLOYD, Mr. MILLER of Washington, Mr. HERTEL, and Mr. DICKS.

H.R. 134: Mr. GALLEGLY, Mr. DERRICK, Mr. YATRON, Mr. WOLPE, Mr. WEISS, Mr. MCCURDY, Mr. OWENS of Utah, Mr. DIXON, Mr. JONES of North Carolina, Mr. BROWN, and Mr. GILCHREST.

H.R. 142: Mr. STUMP and Mr. LIVINGSTON.

H.R. 179: Mr. EVANS, Mr. SANDERS, and Mr. ROWLAND.

H.R. 319: Mr. HASTERT.

H.R. 327: Mr. ROE, Mr. ABERCROMBIE, Mr. FISH, and Mr. EMERSON.

H.R. 328: Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. FORD of Tennessee, Mr. LEWIS of Georgia, Mr. OBERSTAR, and Mr. PALLONE.

H.R. 368: Mr. COX of California.

H.R. 369: Mr. LAGOMARSINO and Mr. SENBENDER.

H.R. 446: Mr. ROYBAL, Mrs. PATTERSON, Mr. MFUME, Mr. UDALL, Mr. DYMALLY, Mr. SOLARZ, Mr. OBERSTAR, Mr. DIXON, and Mr. MINETA.

H.R. 467: Mr. MCCOLLUM, Mr. RHODES, Mr. GILCHREST, Mr. JONTZ, Mr. TRAFICANT, Mr. SISISKY, and Mr. OLIN.

H.R. 473: Mr. SCHAEFER.

H.R. 474: Mr. MARLENEE.

H.R. 483: Mrs. MEYERS of Kansas and Mr. SHAYS.

H.R. 519: Mrs. MEYERS of Kansas and Mr. BOEHNER.

H.R. 520: Mr. FROST, Mr. ABERCROMBIE, Mr. HERTEL, Mr. FOGLIETTA, Mr. KOPETSKI, Mr. DE LUGO, Mr. LANCASTER, Mr. ERDREICH, Mr. TOWNS, and Ms. NORTON.

H.R. 542: Mr. BRYANT.

H.R. 561: Mr. SMITH of Florida, Mr. DWYER of New Jersey, Mr. JOHNSON of South Dakota, and Mr. HERTEL.

H.R. 566: Ms. PELOSI.

H.R. 601: Mr. HERTEL.

H.R. 612: Mr. TAYLOR of Mississippi, Mr. PETERSON of Minnesota, Mr. FALEOMAVAEGA, and Mr. JOHNSTON of Florida.

H.R. 637: Mr. ABERCROMBIE.

H.R. 642: Mr. BENNETT and Mr. WISE.

H.R. 645: Mr. KOPETSKI and Mr. SANDERS.

H.R. 702: Mr. STEARNS.

H.R. 704: Mr. STEARNS.

H.R. 710: Mr. SWIFT, Mr. MARTIN, Mr. LEHMAN of Florida, Mr. TALLON, Mr. ECKART, Mr. WALKER, and Mr. GOSS.

H.R. 747: Mr. COX of California, Mr. STUDDS, Mr. POSHARD, Mr. BILIRAKIS, Mr. OWENS of New York, Mr. COUGHLIN, Mr. UPTON, Mr. QUILLLEN, and Mr. LEWIS of Florida.

H.R. 767: Mr. SCHAEFER.

H.R. 774: Mr. FAWELL.

H.R. 785: Mr. RANGEL.

H.R. 786: Mr. SERRANO, Mr. SCHEUER, Mr. DICKS, Mr. FISH, Mr. SANDERS, Mr. ENGEL, and Mr. TOWNS.

H.R. 826: Mr. TAYLOR of Mississippi, Mr. GOSS, Mr. SANTORUM, Mr. CARPER, Mr. MOORHEAD, and Mr. KOLBE.

H.R. 827: Mr. COSTELLO, Mr. PETERSON of Florida, and Mr. FISH.

H.R. 840: Mrs. BYRON, Mr. DURBIN, Mr. FISH, Mr. GEJDESON, Mr. WEISS, Mr. SMITH of New Jersey, Mr. GLICKMAN, and Mr. EMERSON.

H.R. 846: Mr. ABERCROMBIE, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. MOODY, Mr. WEISS, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. SWETT, Mr. ENGEL, Mr. JOHNSTON of Florida, and Mr. OWENS of Utah.

H.R. 858: Mr. PETRI.

H.R. 916: Mr. DEFazio and Mr. PAYNE of Virginia.

H.R. 951: Mr. ANDREWS of New Jersey, Mr. DOOLITTLE, Mr. COBLE, Mr. PALLONE, Mr. GALLO, Mr. PORTER, Ms. SNOWE, and Mr. DOWNEY.

H.R. 978: Mr. HUGHES, Mrs. UNSOELD, Ms. LONG, Mr. FRANK of Massachusetts, Mr. KOPETSKI, Mr. YATES, Mr. CARDIN, Mr. JEFFERSON, Mr. NEAL of North Carolina, Mr. BUSTAMANTE, Mr. SANDERS, Mr. GUARINI, Mr. RUSSO, Mr. DOWNEY, Mrs. KENNELLY, Mr. MATSUI, Mr. VALENTINE, Mr. LEVIN of Michigan, Mr. ANDREWS of Texas, Mr. LANCASTER, Mr. FISH, Ms. OAKAR, Mr. HAYES of Illinois, Mr. ENGEL, and Mr. DEFazio.

H.R. 989: Mr. MFUME.

H.R. 999: Mr. STALLINGS.

H.R. 1001: Mr. HEFLEY, Mr. MACHTLEY, and Mr. HANSEN.

H.R. 1004: Mr. MACHTLEY.

H.R. 1024: Mr. SANDERS, Mr. PARKER, Mr. MARTINEZ, and Mr. VENTO.

H.R. 1047: Mr. WYLLIE.

H.R. 1079: Mr. JONTZ, Mr. STAGGERS, and Mr. PETERSON of Minnesota.

H.R. 1093: Mr. LEVIN of Michigan, Mr. CAMP, Mr. PURSELL, Mr. EMERSON, and Mr. BROOMFIELD.

H.R. 1109: Mr. MANTON.

H.R. 1135: Mr. REED, Ms. DELAURO, Mr. CONDIT, and Mr. ACKERMAN.

H.R. 1147: Mrs. ROUKEMA, Mr. ALLARD, Mr. UPTON, Mr. HEFLEY, Mr. GUNDERSON, Mr. PACKARD, Mr. MCDERMOTT, Mr. GALLEGLY, Mr. MCNULTY, Mr. BROOMFIELD, and Mr. HAMILTON.

H.R. 1165: Mr. BACCHUS, Mr. KOLBE, Mr. LEWIS of Georgia, Mr. WEISS, Mr. HEFLEY, Mr. CONDIT, Mr. FORD of Tennessee, Mr. ACKERMAN, and Mr. FALEOMAVAEGA.

H.R. 1166: Mr. ABERCROMBIE, Mr. MURPHY, Mr. HORTON, Mr. MILLER of California, Mr. STARK, and Mr. COSTELLO.

H.R. 1177: Mr. FRANK of Massachusetts, Mr. PEASE, Mr. KOSTMAYER, Mr. MRAZEK, Mr. KOLTER, Mr. WOLPE, Mr. DWYER of New Jersey, and Mr. RINALDO.

H.R. 1181: Mr. KOLTER, Mr. RAHALL, Mr. PETERSON of Florida, Mr. BRYANT, Mr. MCDERMOTT, and Mr. ROYBAL.

H.R. 1182: Mr. SKAGGS.

H.R. 1216: Mr. JACOBS.

H.R. 1230: Mr. FISH.

H.R. 1237: Mr. ALLARD, Mr. ARMEY, Mr. ANTHONY, Mr. BALLENGER, Mr. BATEMAN, Mr. BAKER, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BOEHNER, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mr. COLEMAN of Missouri, Mr. CRANE, Mr. DOOLITTLE, Mr. FAWELL, Mr. GOODLING, Mr. GOSS, Mr. GUNDERSON, Mr. EMERSON, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. HANSEN, Mr. HAYES of Louisiana, Mr. HEFLEY, Mr. HENRY, Mr. HERGER, Mr. HOBSON, Mr. HOLLOWAY, Mr. INHOFE, Mr. JEFFERSON, Mr. JENKINS, Ms. KAPTUR, Mr. KLECZKA, Mr. GOSS, Mr. LAFALCE, Mr. LANCASTER, Mr. LIVINGSTON, Mr. MCCREY, Mr. MCCURDY, Mr. MCEWEN, Mr. MOORHEAD, Mr. MURPHY, Mr. OXLEY, Mr. PARKER, Mr. PETRI, Mr. PORTER, Mr. RAHALL, Mr. RAMSTAD, Mr. RAY, Mr. ROBERTS,

Mr. ROTH, Mr. ROWLAND, Mr. SANTORUM, Mr. SCHAEFER, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Mr. SLAUGHTER of Virginia, Mr. SPENCE, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. UPTON, Mr. VIS-CLOSKEY, Mrs. VUCANOVICH, Mr. WALKER, Mr. WEBER, Mr. WILSON, and Mr. ZELIFF.

H.R. 1239: Mr. REED, Mr. JEFFERSON, Mr. SIKORSKI, Mr. EDWARDS of California, Mr. SERRANO, Mr. LEVINE of California, Mr. HAYES of Illinois, Mr. JONTZ, Mr. DIXON, Mr. LEWIS of Georgia, Mr. ZIMMER, and Mr. BUSTAMANTE.

H.R. 1241: Mrs. BENTLEY, Mr. BEVILL, Ms. DELAURO, Mr. ERDREICH, Mr. FRANK of Massachusetts, Mr. MCEWEN, Mr. OXLEY, Mr. ZIMMER, Mr. ECKART, Mr. LAGOMARSINO, Mrs. LLOYD, Mr. HANSEN, and Mr. PACKARD.

H.R. 1242: Mr. EMERSON, Mr. DANNEMEYER, Mr. INHOFE, and Mr. FIELDS.

H.R. 1254: Mr. FAZIO, Mr. WEISS, and Mr. KENNEDY.

H.R. 1263: Mr. WEISS, Mr. MACHTLEY, and Mr. FISH.

H.R. 1264: Mr. WEISS, Mr. MACHTLEY, and Mr. FISH.

H.R. 1270: Mr. COOPER, Mr. EMERSON, and Mr. SMITH of Texas.

H.R. 1287: Mr. COX of California, Mrs. MEYERS of Kansas, and Mr. ROHRBACHER.

H.R. 1288: Mr. MOODY, Mr. ESPY, Mr. KILDEE, Mr. SERRANO, Mr. WALSH, Mr. ROE, Mr. FOGLIETTA, Mrs. MORELLA, Mr. RANGEL, and Mr. MARTINEZ.

H.R. 1292: Mr. KOPETSKI, Mr. BREWSTER, Mr. DOOLITTLE, Mr. ORTON, Mr. THOMAS of California, Mr. RICHARDSON, and Mr. SCHAEFER.

H.R. 1296: Mr. HASTERT, Mr. BENNETT, Mr. HOUGHTON, Mr. WHITTEN, Mr. CRAMER, Mr. LANCASTER, Mr. ENGEL, Mr. JEFFERSON, Mr. RAMSTAD, Mr. KANJORSKI, Mr. SCHEUER, Mr. LOWERY of California, Mr. BERMAN, Mr. HUGHES, Mr. HERTEL, and Mr. WILSON.

H.R. 1310: Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. ESPY, Mr. FISH, Mr. FORD of Tennessee, Mr. HERTEL, Mr. HORTON, Mr. HYDE, Mr. JEFFERSON, Mr. KOLTER, Mr. LIPINSKI, Mr. MANTON, Mrs. MORELLA, Mr. QUILLLEN, Mr. RANGEL, Mr. ROE, Ms. ROS-LEHTINEN, Mr. UDALL, Mr. VALENTINE, Mr. WALSH, and Mr. WEISS.

H.R. 1311: Mr. CUNNINGHAM, Mr. DWYER of New Jersey, Mr. ESPY, Mr. FISH, Mr. FORD of Tennessee, Mr. HERTEL, Mr. HORTON, Mr. HYDE, Mr. JEFFERSON, Mr. KOLTER, Mr. LIPINSKI, Mr. MANTON, Mrs. MORELLA, Mr. QUILLLEN, Mr. RANGEL, Mr. ROE, Ms. ROS-LEHTINEN, Mr. UDALL, Mr. VALENTINE, Mr. WALSH, and Mr. WEISS.

H.R. 1312: Mr. CUNNINGHAM, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. ESPY, Mr. FISH, Mr. FORD of Tennessee, Mr. HERTEL, Mr. HORTON, Mr. HYDE, Mr. JEFFERSON, Mr. KOLTER, Mr. LIPINSKI, Mr. MANTON, Mrs. MORELLA, Mr. QUILLLEN, Mr. RANGEL, Mr. ROE, Ms. ROS-LEHTINEN, Mr. UDALL, Mr. VALENTINE, and Mr. WEISS.

H.R. 1328: Mr. SCHEUER, Mr. GUARINI, Mr. ABERCROMBIE, Mr. HALL of Ohio, Mr. RANGEL, Mr. TOWNS, Mr. SERRANO, and Mr. SMITH of Florida.

H.R. 1343: Mr. HUGHES, Mrs. UNSOELD, and Mr. PANETTA.

H.R. 1346: Mr. STOKES, Mr. OWENS of New York, Mr. STUDDS, Mr. MARTINEZ, Mrs. MINK, Mr. McNULTY, Mr. SCHEUER, Mr. WAXMAN, Mr. APPELGATE, Mr. DIXON, Mr. FORD of Michigan, and Mr. MAVROULES.

H.R. 1360: Mrs. MEYERS of Kansas, Mr. SANDERS, Mr. KILDEE, Mr. WASHINGTON, and Mr. SYNAR.

H.R. 1363: Mr. STUDDS.

H.R. 1406: Mr. HUCKABY, Mr. ERDREICH, Mr. SWIFT, Mr. PORTER, Mr. ROE, Mr. ORTON, Mr. HANSEN, Mr. ESPY, Mr. TAUZIN, Mr. GALLEGLEY, Mr. SCHIFF, Mr. RHODES, Mr. BACCHUS, Mr. EMERSON, Mr. YOUNG of Alaska, Mr. HERTEL, Mr. KILDEE, Mr. BILBRAY, Mr. SHAYS, Mr. KOLTER, Mr. OWENS of Utah, Mr. BRYANT, Mr. HUITO, Mr. McMILLEN of Maryland, Mr. DWYER of New Jersey, Mr. ECKART, Mr. SMITH of New Jersey, and Mr. LEWIS of California.

H.R. 1412: Mr. KYL and Mr. THOMAS of Wyoming.

H.R. 1417: Mr. KOLBE, Mr. BLILEY, and Mr. SENSENBRENNER.

H.R. 1422: Mr. SERRANO, Mr. FUSTER, Mr. LEHMAN of Florida, and Mrs. BOXER.

H.R. 1429: Mr. COX of California and Mr. EMERSON.

H.R. 1442: Mr. ENGEL, Mr. WEISS, and Mr. DE LUGO.

H.R. 1454: Mr. FRANK of Massachusetts, Mr. HYDE, Mr. WYDEN, Mr. BORSKI, Mr. GEREN of Texas, Mr. MRAZEK, Mr. FEIGHAN, Mr. REED, Mr. ROSE, Mr. SYNAR, Mr. HENRY, Mrs. MORELLA, Mr. PAYNE of Virginia, Mr. HUCKABY, and Ms. SNOWE.

H.R. 1456: Mr. CHAPMAN, Mr. LEWIS of California, Mr. RINALDO, Mr. BATEMAN, Mr. MORRISON, Mrs. JOHNSON of Connecticut, Mr. AL-LARD, Mr. BARRETT, and Mr. HUBBARD.

H.R. 1467: Mr. MRAZEK, Mr. LEVIN of Michigan, Mr. McNULTY, Mr. WILSON, Mr. NEAL of North Carolina, Ms. MOLINARI, Mr. LIPINSKI, Ms. PELOSI, Mr. FORD of Tennessee, Mr. DEL-LUMS, Mr. EVANS, Mr. PETERSON of Minnesota, Mr. HYDE, Mr. MARTINEZ, Mr. BILBRAY, and Mr. LAFALCE.

H.R. 1483: Mr. STUDDS and Mr. ENGEL.

H.R. 1490: Mr. DUNCAN and Mr. RINALDO.

H.R. 1494: Mrs. JOHNSON of Connecticut.

H.R. 1508: Mr. STUMP, Mr. DICKINSON, Mrs. VUCANOVICH, Mr. MARLENEE, Mrs. BENTLEY, Mr. IRELAND, Mr. EMERSON, Mr. LEWIS of California, Mr. THOMAS of Wyoming, and Mr. DANNEMEYER.

H.R. 1510: Mr. FISH and Mr. DIXON.

H.R. 1511: Mr. FISH and Mr. DIXON.

H.R. 1512: Mr. HOCHBRUECKNER, Mr. PARKER, Mr. SMITH of New Jersey, and Mr. GILCHREST.

H.R. 1528: Mr. BALLENGER.

H.R. 1543: Mr. BAKER and Mr. EMERSON.

H.R. 1545: Mr. ANDREWS of Texas.

H.R. 1564: Mr. ROGERS.

H.R. 1603: Mr. BILBRAY, Mr. DANNEMEYER, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. HASTERT, Mr. HERTEL, Mr. HUGHES, Mr. JEFFERSON, Mr. LAROCO, Mrs. MORELLA, Mr. SCHEUER, Ms. SLAUGHTER of New York, and Mr. TRAXLER.

H.R. 1611: Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. THOMAS of Wyoming, and Mr. HERTEL.

H.R. 1620: Mrs. KENNELLY.

H.R. 1652: Mr. SOLOMON, Mr. BENNETT, Mr. HOCHBRUECKNER, Mr. COX of California, Mr. FISH, Mr. MACHTLEY, Mrs. BOXER, Mr. ECKART, and Mr. GILCHREST.

H.R. 1669: Mrs. COLLINS of Illinois.

H.J. Res. 6: Mr. BEREUTER.

H.J. Res. 51: Mr. BROWN, Mr. HASTERT, Mr. PAYNE of New Jersey, Ms. NORTON, Mr. LAFALCE, Mr. TORRICELLI, Mr. SMITH of Oregon, Mr. JACOBS, Mr. WEISS, Mr. FISH, Mr. BEVILL, Mr. GEKAS, Mr. RINALDO, Mrs. BENTLEY, Mr. SPENCE, Ms. OAKAR, Mr. ROHRBACHER, Mr. TALLON, Mr. MAZZOLI, Mr. THOMAS of Georgia, Mr. DERRICK, Mr. DARDEN, Mr. VANDER JAGT, Mr. WEBER, Mr. PAXON, Mr. SLAUGHTER of Virginia, Mr. CALLAHAN, Mr. HANSEN, Mr. HUNTER, Mr. HYDE, and Mr. MFUME.

H.J. Res. 91: Mr. MRAZEK, Mr. MFUME, Mr. DARDEN, Mr. HOCHBRUECKNER, Ms. NORTON,

Mr. HALL of Ohio, Mr. HAYES of Illinois, Mr. GRAY, Mr. WOLF, Mr. KENNEDY, Mr. RAVENEL, Mr. FORD of Tennessee, Mr. DERRICK, Mr. WEISS, Mr. STOKES, Mr. PALLONE, Mr. BROWDER, Mr. SPRATT, Mr. MORRISON, and Mr. CONYERS.

H.J. Res. 103: Mr. WAXMAN, Mr. ACKERMAN, Mr. ZELIFF, Mr. VANDER JAGT, and Mr. KENNEDY.

H.J. Res. 107: Mr. RAMSTAD, Mr. SABO, Mr. DORGAN of North Dakota, and Mr. JENKINS.

H.J. Res. 109: Mr. ARCHER, Mr. ASPIN, Mr. BORSKI, Mr. CONYERS, Mr. DEFazio, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. GEKAS, Mr. HOBSON, Mr. JENKINS, Mrs. KENNELLY, Mr. LEVINE of California, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MARTIN, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MYERS of Indiana, Ms. NORTON, Mr. OBEY, Mr. ORTIZ, Mr. OWENS of Utah, Mr. OWENS of New York, Mr. PETERSON of Florida, Mr. SAXTON, Mr. SCHUMER, Mr. SKAGGS, Mr. TORRICELLI, Mr. TRAFICANT, and Mrs. UNSOELD.

H.J. Res. 134: Mr. EVANS, Mr. MCCLOSKEY, Mr. SHARP, Mr. ZIMMER, Mr. KOSTMAYER, Mr. BRUCE, Mr. UDALL, Ms. SNOWE, Mr. TORRES, Mrs. MINK, and Mr. MCCANDLESS.

H.J. Res. 141: Mr. BREWSTER, Mr. SYNAR, Mr. LEVINE of California, Mr. SMITH of New Jersey, Ms. MOLINARI, Mr. RINALDO, Mr. YATES, Mr. DOOLITTLE, Mr. HUGHES, Mr. WAXMAN, and Mr. FASCELL.

H.J. Res. 144: Mr. PURSELL, Mr. SKELTON, Mr. MCGRATH, Mr. WILSON, Mr. FISH, Mr. BLILEY, Mr. DAVIS, Mr. BLAZ, Mr. REGULA, Mr. VALENTINE, Mr. SERRANO, Mr. BONIOR, Mr. WEISS, Mr. CONYERS, Mr. GRAY, Mr. SOLARZ, Mr. DYMALLY, Mr. LEWIS of Florida, Mr. DIXON, Mr. SMITH of Texas, Mr. FRANK of Massachusetts, Mr. ATKINS, Mr. KOLTER, Mr. HOYER, Mr. ENGEL, Mr. CARR, Mr. HAMILTON, Mr. DEFazio, Mr. BORSKI, Mr. THOMAS of Georgia, Ms. WATERS, Mr. SANDERS, Mr. HAYES of Illinois, Mr. MURPHY, Mr. WALSH, Mr. RIGGS, Mr. CARPER, Mr. COLEMAN of Texas, Mr. SANGMEISTER, Mr. ORTON, Mr. UPTON, Mr. OWENS of New York, Mrs. UNSOELD, Mr. TRAFICANT, Mr. TAYLOR of Mississippi, Mr. STAGGERS, Mr. SMITH of Iowa, Mr. NEAL of Massachusetts, Mr. McMILLEN of Maryland, Mr. MCDADE, Mr. MANTON, Mr. JONES of North Carolina, Mr. IRELAND, Mr. RICHARDSON, Mr. MURTHA, and Mr. JACOBS.

H.J. Res. 154: Mr. WOLF, Mr. GREEN of New York, Mrs. VUCANOVICH, Mr. LEVINE of California, Mr. MOODY, Mr. LUKE, Mr. BERMAN, Mr. SABO, Mr. EVANS, Ms. SNOWE, and Mr. HUNTER.

H.J. Res. 164: Mr. GUNDERSON, Mr. SANTORUM, Mr. FALEOMAVAEGA, and Mr. EVANS.

H.J. Res. 178: Mr. LIPINSKI, Mr. JONES of Georgia, Mr. FROST, Mrs. MEYERS of Kansas, Mr. BUSTAMANTE, Mr. DANNEMEYER, Mr. KOLBE, Mr. KYL, and Mr. HYDE.

H.J. Res. 181: Mrs. BOXER, Mr. BROWN, Mr. CHANDLER, Mr. CONYERS, Mr. DEFazio, Mr. EMERSON, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FISH, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HEFNER, Mr. HUCKABY, Mr. JEFFERSON, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MOORHEAD, Mrs. MORELLA, Mr. OWENS of New York, Mr. POSHARD, Mr. RANGEL, Mr. RIGGS, Mr. ROE, Ms. SLAUGHTER of New York, Mr. STALLINGS, Mr. TAYLOR of Mississippi, Mr. WALSH, and Mr. WAXMAN.

H.J. Res. 188: Mrs. BENTLEY, Mr. BLILEY, Mr. COBLE, Mr. CONYERS, Mr. DIXON, Mr. DUNCAN, Mr. ERDREICH, Mr. GALLO, Mr. HASTERT, Mr. HOCHBRUECKNER, Mr. HUNTER,

Mr. HYDE, Mr. IRELAND, Mr. LOWERY of California, Mr. MACHTELEY, Mr. MARTIN, Mr. MILLER of Washington, Mr. PAXON, Mr. PORTER, Mrs. VUCANOVICH, Mr. WALSH, Mr. HORTON, Mr. INHOFE, Mr. MCDADE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MORRISON, Mr. PRICE, Ms. NORTON, Mr. TRAXLER, Mr. MCDERMOTT, Mr. SCHEUER, Mrs. BOXER, Mr. POSHARD, Mr. WAXMAN, Mr. HENRY, Mr. QUILLLEN, Mr. PURSELL, Mr. WELDON, and Mr. MOORHEAD.

H.J. Res. 194: Mr. MCDADE, Mr. FASCELL, Mr. BERMAN, Mr. SMITH of Florida, Mrs. PATTERSON, Mr. SCHUMER, Mr. LEWIS of Florida, Mrs. KENNELLY, Mr. PICKLE, Mr. MCDERMOTT, Mr. ROSE, Mr. MONTGOMERY, Mr. PERKINS, Mr. ROBERTS, Mr. COOPER, Mr. GORDON, Mr. LEVIN of Michigan, Mr. McMILLEN of Maryland, Mr. LEHMAN of Florida, Mr. JACOBS, Mr. SCHEUER, Mr. CAMPBELL of Colorado, Mr. WHITTEN, Mr. BLAZ, Mr. NATCHER, Mr. SISISKY, Mr. HATCHER, Mr. OWENS of Utah, Mr. JONTZ, Mr. TAUZIN, Mr. ESPY, Mr. BOUCHER, Mr. DELLUMS, Mr. COLEMAN of Texas, Mr. RAHALL, Mr. RANGEL, Mr. KASICH, Mr. SKAGGS, Mr. PANETTA, Mrs. VUCANOVICH, Mr. MCGRATH, Mr. TOWNS, Mr. OWENS of New York, Mrs. BENTLEY, Mr. WOLPE, Mr. RAVENEL, Mr. HORTON, Mr. JENKINS, Mr. MRAZEK, Mr. FEIGHAN, Mr. VALENTINE, Ms. MOLINARI, Ms. LONG, Mr. QUILLLEN, Mr. BARNARD, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. HALL of Texas, Mr. LANCASTER, Mr. SLATTERY, Mr. THORNTON, Mr. ANTHONY, Mr. HAYES of Louisiana, Mrs. LLOYD, Mr. PAYNE of Virginia, and Mr. CHAPMAN.

H.J. Res. 197: Mr. WEISS, Mr. BERMAN, Mr. WILSON, Mr. CLEMENT, Mr. BREWSTER, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Mr. MCGRATH, Mr. WALSH, Mr. OWENS of New York, Mr. MATSUI, Mr. ESPY, Mr. COLEMAN of Texas, Mr. WEBER, Mr. LUKEN, Ms. LONG, Mr. LEVIN of Michigan, Mr. LEHMAN of Florida, Mr. KILDEE, Mr. MOODY, Mr. TAUZIN, Mr. TALLON, Mr. JONES of North Carolina, Mr. TOWNS, Mr. MURPHY, Mr. LEACH, Mr. CALAHAN, Mr. PERKINS, Mr. FALCOMA, Mr. MCEWEN, Mr. GUNDERSON, Mr. BUSTAMANTE, Mr. HASTERT, Mr. HAMILTON, Mr. PETERSON of Florida, Ms. NORTON, Mr. SWETT, Mr. FORD of Tennessee, Mr. LAROCOCO, Mrs. UNSOELD, Mr. YATRON, Mr. MARTINEZ, Mr. GUARINI, Mr. TORRES, Mr. DYMALLY, Mr. FISH, Mr. RAVENEL, Mr. ROYBAL, Mr. MANTON, Mr. HARRIS, Mr. SCHEUER, Mrs. MEYERS of Kan-

sas, Mr. SCHUMER, Mr. HUNTER, Mr. SLATTERY, Mr. ERDREICH, Mr. BILIRAKIS, Mr. BARNARD, Mr. CONYERS, Mr. HAYES of Illinois, Mr. TAYLOR of Mississippi, Mr. BILBRAY, Mr. TRAXLER, Mr. SERRANO, Mr. MCCLOSKEY, Mr. McMILLEN of Maryland, Mr. MCDADE, Mr. MCHUGH, Ms. MOLINARI, Mr. MORRISON, Mr. POSHARD, Mr. DICKS, Mr. MINETA, Mr. NEAL of Massachusetts, Mr. EMERSON, Mr. MARKEY, Mr. DIXON, Mr. PURSELL, Mr. VANDER JAGT, Mr. MICHEL, Mr. NEAL of North Carolina, Mr. ENGEL, Mr. HORTON, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. SOLARZ, Mr. HUBBARD, Mrs. MINK, Mr. KENNEDY, Mr. MORAN, Mr. HAMMERSCHMIDT, Mr. DE LUGO, Mr. PRICE, Mr. WOLF, Mr. INHOFE, Mr. SKAGGS, Mr. WOLPE, Mr. NATCHER, Mr. PAYNE of Virginia, Mr. LEWIS of California, Mr. APPELEGATE, Mr. TRAFICANT, Mr. WYDEN, Mr. MOORHEAD, Mr. AUCCOIN, Mr. BORSKI, Mr. ROSE, Mr. LEHMAN of California, Mr. HEFNER, Mr. SYNAR, Mr. KOLTER, Mr. LANCASTER, Mr. RINALDO, Mr. RITTER, Mr. SMITH of Florida, Mr. ROBERTS, Mr. MILLER of Washington, Mr. REGULA, Mr. ROE, Mr. SHARP, Mr. LOWERY of California, Mr. STAGGERS, Mr. KASICH, Mr. WAXMAN, Mr. CHAPMAN, Mr. GILMAN, Mr. DARDEN, Mrs. LOWEY of New York, Mr. GEKAS, Mr. RHODES, Mr. GILCHREST, Mr. JONTZ, Mr. MARTIN, Mr. HALL of Ohio, Mrs. LLOYD, Mr. HOCHBRUECKNER, Mr. FORD of Michigan, Mr. WISE, Mr. OXLEY, Mr. PANETTA, Mrs. MORELLA, Mr. OWENS of Utah, Mr. SAWYER, Mr. MFUME, Mr. ORTON, Mr. MOAKLEY, Mr. MAVROULES, Mr. RAMSTAD, Mr. SARPALIUS, Mr. EVANS, Mr. BOUCHER, Mr. DELLUMS, Mr. BROWDER, Mr. ANDREWS of Maine, Mr. FAWELL, Mr. LANTOS, Mr. ROGERS, Mr. CRAMER, Mr. HENRY, Ms. KAPTUR, Mr. ROEMER, Mr. HANSEN, Mr. STOKES, Mr. GREEN of New York, Mr. COUGHLIN, Mr. FAZIO, Mr. DORNAN of California, Mr. BLILEY, Mr. QUILLLEN, Mr. RIDGE, Mr. ALEXANDER, Mr. HERTEL, Mr. MAZZOLI, Mr. GEREN of Texas, Mr. MACHTELEY, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. ASPIN, Mr. HUTTO, Mr. HATCHER, Mr. FOGLIETTA, Mr. CARPER, Mrs. KENNELLY, Mr. RAY, Mr. SANGMEISTER, Mr. MONTGOMERY, Ms. OAKAR, Mr. OBERSTAR, Mr. McNULTY, Mr. STUDDS, Mrs. BENTLEY, Mr. DEFazio, Ms. HORN, Mr. LIPINSKI, Mr. ORTIZ, Mrs. PATTERSON, Mr. VALENTINE, Mr. MCCOLLUM, Mr. RUSSO, Mr. PAXON, Mr. WELDON, Mr. BLAZ, Mr. MRAZEK, Mr. FUSTER, Mr. GRANDY, Mr. HAYES of Louisiana, Mr.

MCCRERY, Mr. PACKARD, Mr. JOHNSON of South Dakota, Mr. SPENCE, Mr. NOWAK, Mrs. BYRON, Mr. SANDERS, Mr. DOWNEY, Mr. MILLER of California, Mr. RAHALL, Mr. GORDON, Ms. SLAUGHTER of New York, Mr. SCHAEFER, Mr. MOLLOHAN, Mr. DWYER of New Jersey, and Mr. KLUG.

H. Con. Res. 8: Mr. PERKINS, Mr. HEFNER, Mr. LOWERY of California, Mr. RAVENEL, Mr. WILSON, Mr. HUCKABY, Mr. SISISKY, Mr. MCGRATH, Mrs. BOXER, Mr. DELAY, Mr. HALL of Ohio, Mr. LAGOMARSINO, Mr. DEFazio, Mr. JONTZ, Mr. JONES of Georgia, Mr. NAGLE, Mr. MRAZEK, Mr. COSTELLO, Mr. FROST, Mr. VENTO, Mr. TOWNS, Mrs. PATTERSON, Mr. ZELIFF, Ms. KAPTUR, Mr. ABERCROMBIE, Mr. GUARINI, Mr. PAYNE of New Jersey, Ms. DELAURO, Mr. LANTOS, Mr. TANNER, Mr. FISH, Mr. DARDEN, Mr. STALLINGS, and Mr. MILLER of Ohio.

H. Con. Res. 11: Mr. WELDON.

H. Con. Res. 50: Mr. TRAXLER, Mr. ROSTENKOWSKI, and Mr. KLECZKA.

H. Con. Res. 56: Mr. ENGEL, Mr. JONES of Georgia, and Mrs. UNSOELD.

H. Con. Res. 65: Mr. CARPER and Mr. ANDREWS of Maine.

H. Con. Res. 79: Mr. FISH and Mr. JONTZ.

H. Con. Res. 93: Mr. ABERCROMBIE, Mr. FORD of Michigan, Mr. KLECZKA, Mr. RAHALL, Mr. RANGEL, Mr. SANDERS, and Mr. STARK.

H. Con. Res. 96: Mrs. PATTERSON, Mr. HYDE, and Mr. LEWIS of California.

H. Con. Res. 112: Mr. MCEWEN and Mrs. SCHROEDER.

H. Res. 32: Mr. LIPINSKI.

H. Res. 42: Mr. HUGHES.

H. Res. 106: Mr. CONDIT, Mr. MOAKLEY, Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. WILSON, Mr. UPTON, Mr. STARK, Mr. HERTEL, Mr. RANGEL, Mr. RAHALL, Mr. LANCASTER, Mr. HOCHBRUECKNER, Mr. ROE, Mr. SANDERS, Mrs. UNSOELD, Mr. RHODES, Mr. ENGEL, Mr. DINGELL, Mr. HUCKABY, Mr. ACKERMAN, Mr. PETERSON of Minnesota, and Mr. SAVAGE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1412: Mr. YATES.

SENATE—Thursday, April 11, 1991

(Legislative day of Friday, March 22, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord; and whether we die, we die unto the Lord: whether we live therefore, or die, we are the Lord's.—Romans 14: 7, 8.

Eternal God, perfect in love, grace, and mercy, Giver of life, we thank Thee for Thy fatherly care and compassion. With saddened hearts we recall with gratitude Senator John Tower, his powerful leadership in the Senate, his effective championing of a strong national defense, his perseverance in difficulty and his faithful friendship.

We join with his loved ones in mourning his untimely death and that of his daughter, Marian. God of all comfort, fill the hearts of all who suffer this loss with Your peace, encouragement, and assurance.

Forgive us, eternal God, that we live so much of our lives insensitive or indifferent to eternity until tragedy reminds us of the transiency of this life. Forgive us for living as though the grave is the end, and only that which is material is real. Remind us of your unconditional love so profoundly promised in the Bible, and teach us to live in the light of eternal reality.

In the name of Him who is life and the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 11, 1991.

To the Senate:

Under the provision of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DODD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 5 minutes each. During this period for morning business Senators may offer eulogies to our late colleagues, Senator Heinz and Senator Tower.

On Tuesday, I expressed the hope that by today the Senate could proceed to the consideration of S. 207, the CFTC authorization bill. For the information of the Senate, I now announce that, once morning business is closed, it is my intention to proceed, either directly or through a designee, to move to proceed to the bill. I understand that there is continuing disagreement on some matters and that there is likely to be considerable discussion on it. That is, of course, appropriate and within the rules.

It seems to me at some point we have to attempt to proceed to the bill and, following very lengthy periods of notice stretching over a long period of time of my intention to do so, we will attempt to do that early this afternoon.

OZONE HOLE DEPLETION

Mr. MITCHELL. Mr. President, two events in the last 10 days highlight the value of action, rather than further study alone, in protecting our environment.

Last week, the National Aeronautics and Space Administration [NASA] released data showing that the protective ozone layer over the United States, as well as elsewhere, is being depleted more than twice as quickly as previously estimated. Despite the fact that this country has on its own, and in concert with other nations, enacted legislation to curb emissions and production of ozone-depleting chemicals, we now know we have not done enough. And we know that we cannot afford to delay taking additional action.

Yesterday, the National Academy of Sciences released a report on global warming policy options. The report stated:

The panel finds that, even given the considerable uncertainties in our knowledge of the relevant phenomena, greenhouse warming poses a potential threat sufficient to merit prompt responses. * * * Investment in mitigation measures acts as insurance protection against the great uncertainties and the possibility of dramatic surprises. In addition, the panel believes that substantial mitigation can be accomplished at modest cost. In other words, insurance is cheap. (Report, at p. 67)

Hesitation over the technological cost of action has too often masked the health and environmental costs of inaction. I am encouraged that the National Academy of Sciences' panel recognizes the latter costs.

The NAS panel proposed measures that will both reduce greenhouse gas emissions and U.S. dependence on oil. These twin goals are not only possible, they are necessary components of any serious energy policy.

The NAS panel recommended we "improve the efficiency of the U.S. automotive fleet". This single action can do more than any other individual step to both curb carbon dioxide emissions and reduce our dependence on oil.

We should also work with other nations to put in place international limits on greenhouse gas emissions. In fact, the United States is isolated internationally in its continuing refusal to endorse a policy of carbon dioxide reduction or stabilization.

Almost every one of our friends and allies in the developed Western nations has committed itself to a policy of carbon dioxide stabilization or reduction. Yet, the administration adamantly refuses to have the United States adopt such a policy.

But even unilateral U.S. action will have substantial benefits for the planet because the United States alone contributes more than 20 percent of the world's greenhouse gas emissions. Much of that is the result of wasteful practices. Such waste is unnecessary. Our continued economic growth does not depend upon it. In fact, our very survival may rely on our ability to more efficiently use the resources we have.

We can and must act now to become more efficient. Our buildings, lighting, appliances, and vehicles can all be made more efficient without sacrificing quality. In fact, the NAS panel concluded we could improve the corporate average fuel efficiency standards with existing technology from the current 27.5 miles per gallon to 32.5 miles per gallon at a net benefit, rather than

* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cost, and a 300 million metric ton reduction in carbon dioxide emissions. By doing so we can save money, reduce greenhouse gas emissions, and reduce our dependence on oil, all at the same time. These combined benefits are compelling.

The NASA data suggest that the ozone layer over the United States has depleted 4 to 5 percent since 1978. Each percent depletion of the ozone layer is estimated to cause a 5 to 7 percent increase in skin cancer.

EPA Administrator William Reilly estimates that there could, as a result, be an additional 200,000 skin cancer deaths in the United States over the next 50 years.

In addition, crops and aquatic organisms, including those organisms at the beginning of the oceanic food chain, will suffer more damage than previously estimated.

We have, unfortunately, as a society, not done enough to protect public health and the environment from ozone depletion.

Fortunately, we can take regulatory action in this country immediately to further reduce emissions and production of ozone depleting chemicals.

Section 606 of the 1990 Clean Air Act amendments requires the Administrator of the Environmental Protection Agency to accelerate the year 2000 deadline for phaseout of ozone-depleting chemicals listed in the Act, if the Administrator determines such acceleration may be necessary to protect human health and the environment. Such a determination is warranted.

I encourage EPA to move quickly to promulgate regulations implementing the 1990 Clean Air Act amendments and to propose an accelerated phaseout schedule for substances that deplete the ozone layer.

The European Community has already committed to ceasing production of chlorofluorocarbons in 1997, 3 years earlier than required under the Montreal protocol. Considering the risks to human health and the environment, it seems clear that this minimal step is essential.

In addition, we should move quickly to provide assistance to developing countries so that they will have access to substitutes more quickly and can eliminate their production and use of CFC's well before the scheduled date for them, of the year 2010.

We have regrettably under-estimated the risk to our planet. We must act. We must not delay. Congress deliberately provided a clear mandate to the EPA Administrator to act in just these circumstances. I urge him to do so.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, if any, and I reserve all of the leader

time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent I be allowed to complete a statement pertaining to our deceased colleague, John Heinz. It may take me a few moments beyond the 5-minute limitation. I ask the Senate's indulgence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN HEINZ

Mr. COHEN. Mr. President, a few days ago I stood in this Chamber and offered some final words about my friend, John Tower. I offered those comments in part in response to a plea made by one of John's daughters at his memorial service. She said, "Please don't let them forget about what our father did in the Senate. Not that the Senate rejected him, but remind them of the contribution he made."

In my fashion I tried to say exactly what John Tower meant to me and what I believe he meant to his country.

Shortly after I delivered my remarks, I received a call from one paper and a request was made for a copy of my comments.

My initial reaction was, why bother? They will only report something negative, not what was said, but what was not said.

I yielded, not that it would have made much difference. But nearly 19 years in public service has left me with a touch of cynicism.

So it came as no surprise that when I read a summary of my comments in one of the national papers, it reported that I said that Tower was part poet, part preacher, pure patriot. And yet several paragraphs later, it said, "Cohen did not mention the Senate's crushing rejection of Mr. Tower" for the post of Secretary of Defense because of allegations of womanizing and drinking.

How could I have been so obtuse or dissembling? Surely even though only a day had passed since we commemorated John Tower's life, I should have reminded my colleagues of the vote cast against my friend. What an oversight on my part. Or was it misrepresentation by omission?

And, of course, my own remarks were preceded by comments by Senator SPECTER who pointed out that a national newspaper in recounting John

Heinz's life and death felt compelled to say that Senator Heinz failed to relate well to many of his colleagues. This final thrust of the pen/sword into the grave. For all of his gifts, talents, contributions, critics said he was not particularly popular, that he did not connect well to his colleagues. Eighty of his colleagues—including the Vice President—flew through what I would describe as gale force winds yesterday to pay tribute to John Heinz. There was no mandatory attendance. No records kept. No absentees noted. No penalties exacted. Not bad for a man who did not manage to relate well to his colleagues.

We who hold public office understand that it is fair game for the critics to hold a lantern to our faults and deficiencies. Perhaps it is a bit naive of me to think that death might grant us a momentary respite from the arrows of those who choose not to step beyond the protective rim of private life.

I do not wish to dwell on this subject. All of us understand what we give and what we give up. And most of us, for a variety of reasons, still choose to go on. And so I hope that Senator SPECTER's son will not be discouraged from public service, that he will not turn away because of the foreknowledge that public service will result in the prospect of the reporting of our failings as well as our successes.

Mr. President, I should like to make a few brief remarks about Senator John Heinz himself.

Yesterday, as I indicated, I joined my colleagues and traveled to Pittsburgh to participate in a very special memorial service.

As I sat in the exquisite Heinz Memorial Chapel, I was touched by a floodtide of different sounds, colors, emotions.

The Sun kept moving out from behind clouds and bursting through the stained glass windows of the chapel. The red and yellow colors seemed touched by fire. And then the clouds fought back and the blues and the purples took on a deeper, darker, more beguiling and beautiful depth, and it was the play of light and shadow that became a metaphor for my, I should say for our, existence, and our inevitable departures. And who can say which colors, indeed, were the more beautiful?

There was a poignant moment of silence when the singing violins and cello paused between the fugues and concertos of Johann Sebastian Bach and we heard the metallic and rhythmic click of military pall bearers as they carried a flag draped coffin to the front of the chapel. And moments later we heard the soft heel of a widow moving toward her husband's bier.

We heard the voice of JACK DANFORTH—a voice so deep, rich and strong, that I thought for a moment it

was the music coming from the chapel's organ.

I thought of all the years of service and friendship with someone I would never see again and I thought of A.E. Housman's poem "To an Athlete Dying Young."

The time you won your town the race
We chaired you through the market-place;
Man and boy stood cheering by,
And home we brought you shoulder-high.

To-day, the road all runners come,
Shoulder-high we bring you home,
And set you at your threshold down,
Townsmen of a stiller town.

Smart lad, to slip betimes away
From fields where glory does not stay
And early though the laurel grows
It withers quicker than the rose.

Eyes the shady night has shut
Cannot see the record cut,
And silence sounds no worse than cheers
After earth has stopped the ears:

Now you will not swell the rout
Of lads that wore their honors out,
Runners whom renown outran
And the name died before the man.

So set, before its echoes fade,
The fleet foot on the sill of shade,
And hold to the low lintel up
The still-defended challenge-cup.

And round that early-laurelled head
Will flock to gaze the strengthless dead,
And find unwithered on its curls
The garland briefer than a girl's.

Housman offered us a paradox—that an early death of an athlete is a matter for celebration rather than sorrow. Smart lad to beat us in a race that we must all run to the grave. Fame, after all fades; it withers quicker than the rose; silence is no worse than cheers when earth has stopped the ears.

And yet I took no comfort in the poet's paradox. There was so much more to come.

John Heinz was in the very prime of life. He was young, handsome, athletic, intelligent, wealthy, blessed with an extraordinary wife and three fine sons, a life enhancing smile and genuine good humor.

There was a driving ambition in John—ambition in the best sense of that word—to do something, not to be some one. To do something for those who had less, the elderly, the vulnerable, the weak.

He was not an athlete who had just run his best race. There was always more to come. And it was this promise denied that hurt the most.

As our colleagues TIM WIRTH and JACK DANFORTH noted so eloquently yesterday, John Heinz could have played it safe, could have stayed in the corporate world of wealth and comfort, never risking defeat or public repudiation or be forced into stock transfers or, indeed, financial disclosures.

That would have been the easy way. But everyone who knew John Heinz understood that he thrived on risk, on challenge and competition. He knew even as a young man how dull it would

be "to pause, to make an end, to rust unburnished, not to shine in use."

Tennyson's words were written for John Heinz as well as Ulysses. "To strive, to seek, to find and not to yield."

As we stared at the coffin of John Heinz, we looked foursquare at our own mortality. In any cosmic sense, it matters little that we live to be 50 or, indeed, 100 years. Our lives are measured not by how long we live, only by how we live. John Heinz' life must be measured not by hours but by honor—the honor he brought to his family, to his friends, to citizens of his State and indeed, to this country.

Just 2 days ago, in saying good-bye to my friend John Tower, I referred to the writings of Dag Hammarskjöld, another brilliant public servant who died in a plane crash three decades ago—another case of "sweet dreams and flying machines in pieces on the ground." Hammarskjöld wrote a poem which speaks to each of us:

Time's flight. Our flight in time—flight from time.

Flying on strong wings—with time,
Never lingering, never anticipating:
A rest in the movement—our victory over movement.

Lightly, lightly—
Soaring above the dread of the waters,
In the moment of dedication,
All strength gathered, all life at stake,
Plunging into the deep.
But no rest on the waves, constrained by currents.

Again over the waters, stillness over the swell,
Borne by the wind with the strength of our own wings.

Never land, never nesting place—
Until the final plunge
When the deep takes back its own.

Words can not cauterize the wounds suffered by Teresa, and her sons, John, Christopher, and Andre.

Hopefully, the passage of time might ease their pain.

But words just might help to remind us that John Heinz gave us only a sample of his best. And while we have been enriched by his gift to public service, we have also been impoverished by his absence in the race toward excellence that each of us has chosen to enter.

Thank you, Mr. President.

THE DISPLAY OF FLOWERS IN MEMORY OF JOHN HEINZ

Mr. MITCHELL. I thank my colleague for his eloquent remarks and wish to call to the attention of Members of the Senate to the presence of the display of flowers on Senator Heinz' desk in memory of his presence.

Mr. President, in explanation to the Senate, under standing orders, flowers are not permitted in the U.S. Senate. However, under the precedents of the Senate, exception is permitted if approved by the majority leader. And earlier today, following consultation with the distinguished Republican leader

and without any objection from any of our colleagues, I approved the display of flowers on Senator Heinz' desk as I believe it appropriate under the circumstances. This is not to be construed as a precedent for the presence of flowers under any circumstances other than those comparable to the present. But I believe all Senators will agree that under the circumstances, it is appropriate, and I wanted to call that to my colleagues' attention.

Mr. President, I thank my colleagues and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. GARN. Mr. President, I say to the majority leader, it certainly is appropriate.

Mr. President, it is with great sadness that I rise to pay tribute to my dear friend and colleague John Heinz. John and I worked closely together on the Banking Committee and we enjoyed many good times together during the 15 years of his service in the Senate. His death is a great loss to us all.

I worked with John Heinz on the Banking Committee from the time he came to the Senate in 1977. We advanced through the committee ranks together. As one who has had some policy disagreements with the Senator from Pennsylvania, I can testify that he was a most formidable challenger. He wholeheartedly believed in his positions. He worked hard to master the most technical details; and he defended his position with dignity, determination, and eloquence. When the time came for compromise, which is always necessary in politics, I always found him reasonable, accessible, and committed to finding a workable, effective common ground.

Because I knew how tough he was as an adversary, my fondest memories of John Heinz as a legislator came during our long and close collaboration on international trade and banking issues. John always had a keen interest in and understanding of our complex international issues. He served as chairman and ranking member of the International Finance Subcommittee for 8 years, and was a major intellectual force behind the international agenda of the committee throughout his service. Based on our work together on export controls, export credit, and other trade issues, I think it can be safely said that U.S. exporters had a great friend in John Heinz.

John's greatest strengths were his unlimited capacity for hard work and his determination to produce good policy. I learned this through long hours sitting by his side in the Banking Committee as we searched together for ways to produce a stronger, more competitive U.S. financial system. I saw

his determination in seemingly endless conferences with the House of Representatives, when he always fought the good fight for a better, safer export control system. These issues were often sticky and complicated, but John tackled them with vigor, intelligence, and an appropriate sense of humor.

In 1989, when John assumed the ranking position on the Securities Subcommittee, he directed his considerable energies into making sense of the complexities of the capital markets.

Finally, I would be doing a great disservice to the memory of John Heinz if I limited my remarks to my great professional respect for him. Having spent so much time with him in and out of the Senate, I came to know John as a good friend. We had the opportunity to travel together on many occasions and our wives and families spent time together during John's visits to Utah to ski in the Senators' Ski Cup. He was clearly motivated by a great love and devotion to his family—a value that we shared. I know all my colleagues join me in extending our heartfelt prayers and sympathies to Teresa and the boys.

There will be many more legislative battles to fight in the months and years ahead, and I will have many opportunities to miss John Heinz as the years pass. I know that the fight will be harder, and the successes not as savory, because we will not have the intellect, the determination and the compassion of John Heinz to help us in the battle. He will be sorely missed by this Senate and by this Nation. I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. DASCHLE. Mr. President, it was last Thursday that we learned that our friend and colleague, Senator John Heinz, had been suddenly and tragically taken from us.

The shock of that tragedy still haunts us. Our grief will last even longer.

Senator John Heinz seemed to have it all. Youth. Wealth. Heir to a business empire. A beautiful family. Limitless energy. And an unbounding dedication to serving the people of Pennsylvania and the United States.

While we are saddened by his loss, we can take great joy in his legacy of public service.

John Heinz prospered in politics the way his family had prospered in business. After serving as a staffer in the office of Senator Hugh Scott, he sought and won election to the House of Representatives in 1971. He remained in Congress the next 20 years, never losing an election, and being elected to the Senate in 1976.

During his two decades of congressional service, John Heinz fought tenaciously for the causes in which he believed.

The industrial workers of Pennsylvania will forever remember his struggles on their behalf against foreign imports and for better health care and pensions.

America's veterans will forever be grateful for his efforts on behalf of veteran's health care and education, and in behalf of the victims of agent orange.

I will forever remember him standing behind his desk arguing passionately and strongly on behalf of the Nation's elderly—endeavors to permit them to live their golden years in comfort and with dignity.

All of us should remember him for his efforts to improve the environment, rebuild the Nation's infrastructure and mass transportation system, and his struggles with an administration of his own political party to protect America's aged, from cuts in Medicare benefits, and America's youth, to keep ketchup and relish from being classified as vegetables.

The Senate has lost a good man and a good legislator, and we will miss him. But his work and the spirit in which he approached it stand as a monument to the deeds he performed and to the timeless and lofty values he held dear.

My heartfelt condolences go to his wife Teresa and their three children, to his entire family, and to his staff.

JOHN HEINZ: IN MEMORIAM

Mr. HOLLINGS. Mr. President, in recent days flags across America have flown at half mast in honor of our esteemed colleague John Heinz. Of course, outside of his family—to whom our hearts go out at this time—the sudden, tragic loss of John Heinz is felt most profoundly here in this Chamber, among the colleagues who knew him the best and respected him the most. The Good Lord often works in unexplainable ways, and the death of this fine man and superb legislator in the prime of his life is particularly bewildering to us.

The fact is that John Heinz as a Senator was simply top notch. He was the kind of man whose intelligence and dynamism elevated the Senate as an institution and lent it character. Democrats no less than Republicans were proud to serve with him.

I will never forget his stalwart support and tenacity last year in helping to place the Social Security trust fund surpluses off budget for purposes of calculating the deficit—an important reform that he championed with bulldog determination on the floor of the Senate. Likewise, he was a dedicated ally in the fight to preserve the industrial backbone of the U.S. economy—steel and textiles in particular. John brought together labor and corporate America to insist on a more hardnosed defense of our national economic security. We will sorely miss his eloquent,

commonsense voice in the upcoming trade debates on GATT and the Mexican Free-Trade Agreement.

Mr. President, as I said, John was one of our best and brightest. His grandfather's company was famous for 57 varieties but Henry John Heinz III, the grandson and Senator was truly one of a kind. He will live vividly in our memory. We will miss his many contributions to this body—contributions of quality and character.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. LAUTENBERG. Mr. President, I rise to express my deep sorrow at the death of our colleague, Senator John Heinz. The State of Pennsylvania and the Nation have lost a beloved public servant.

John Heinz was a champion of the people and he fought to better the lives of those who could not fight for themselves. He fought on the side of the working people—the people who manned the mills and mines of Pennsylvania. He fought for what he thought were fairer trade policies—in an effort to preserve for those people the chance to work hard, and to build a better life for themselves and their families. He was an advocate for older Americans. Senator Heinz cared about the elderly and he would not let anyone forget about their needs. He was dedicated to the preservation of our Social Security System.

I was fortunate to have the chance to work closely with John on issues of mutual interest to the States of the Delaware Valley. John was a staunch and indefatigable advocate for the Philadelphia Naval Shipyard and fought hard to support the development of the region's port and transportation system. Through the years, his record was marked by his dedication and determination to help Pennsylvania.

Mr. President, John Heinz had a wonderful career in the House and Senate. He was an intelligent man who was not afraid to stand alone in a debate. He was one of those who could influence the judgment of others. Even when we were in competition with each other, he remained a gentleman and I always respected him for that. He was an honorable opponent, and a powerful ally.

It is a tragedy that this promising young man's life was cut far too short. As I pay tribute to the Senator, I am also remembering the other lives lost during this horrible accident. My heartfelt sympathy goes out to them and their families.

John came from a distinguished and enterprising family. To his wife, Teresa, and his children, Henry John, Andre, and Christopher, I express my deepest sympathy. Although the years were far too short, I hope that we can all take comfort in knowing our world

was a better place because of the work and contributions of our dear colleague, John Heinz.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. HATCH. Mr. President, I want to thank my colleagues for showing this deference to me and to Senator Heinz.

I have to be at another meeting in a very short period of time. This is the only window I have. I would feel particularly badly if I did not get over here and say a few words about my friend John Heinz, especially since we were both raised in Pittsburgh, PA, in exactly the same area, at about the same time—I have to say under disparate circumstances, but nevertheless with a great deal of respect I think for each other through the years.

Mr. President, my friend John Heinz was a truly extraordinary individual: He was a rare man among men, a singular statesman among statesmen. He was born into a life of privilege, but he never forgot those who lived in poverty and those who had less than he, those who were not as fortunate as he. Heir to what could have been an existence of affluence and ease, he chose instead to champion the needs of the ordinary citizen, the average American whose values and work ethic have been the backbone of our Nation. He was a strong advocate for organized labor and for those working men and women in Pittsburgh, Philadelphia, and other areas that really needed his type of leadership and his type of work.

Intellectually gifted, John was the educational product of America's finest schools. Yet he eschewed academic elitism, focusing his love of learning on the untapped potential of America's children and the resources of our displaced workers. He encouraged the natural pairing of public and private initiative. He recognized the legitimate place of government in extending a helping hand; and he defined the limits of government's grasp in a person's successful drive for economic independence.

John's institutional memory on trade and his assiduous protection of U.S. jobs benefited not only his home State of Pennsylvania, but the Nation as a whole.

And it is a poignant irony that John lost his life in his office as public servant, serving the elderly. John's fierce devotion to older Americans delineates him as a stellar Senator, even if all his other contributions were swept aside, and of course they will not be.

His athletic vigor was matched only by his tireless efforts on behalf of our country's seniors. Those whose lives are enhanced by protected Social Security and Medicare benefits have John Heinz to thank in large part.

Our colleague, Senator John Heinz, was a man of character, compassion,

and competency. He was a family man, who drew strength and returned strength to his wife, Teresa, and his three sons. He devoted his life selflessly to service. He lost his life in that service. But, Mr. President, his legacy endures—endures in the enriched lives of the millions of Americans he touched.

Just an anecdote or two. John was a great athlete. I will never forget the first time he came to the Senators' Ski Cup in Utah he competed against almost everyone. He competed against one of America's greatest Olympic champions and almost beat him, as a Senator well into his forties. It was really impressive to all of us. And I have to tell you he was a great tennis player and he did a lot of other things that really showed his great athletic prowess.

Yesterday I was so impressed with his three sons as they spoke of their father at his funeral in the Heinz Memorial Chapel in Pittsburgh, PA. Those young men, they are chips off the old block. They are young men that everybody in the Heinz family ought to feel very proud of, and Teresa and John I know did and do.

John Heinz' family has meant so much to the city of Pittsburgh in particular and to the State of Pennsylvania as well. The Heinz Memorial Chapel—almost every colleague who was there marveled at what a beautiful place it was—was donated by the Heinz family. This was just one of many, many thousands of things that family has done for the city of Pittsburgh, the State of Pennsylvania, and, yes, this country.

John had a love of people. He always did have that great smile on his face and that winning way in trying to help people from all walks of life, including those who were successful but needed help as well. But he really, really deep down felt very strongly toward those who were the most unfortunate in our society. And this great athlete, this great Senator, this great human being, this great father and husband, this great friend, I think lived up to really a lifetime of achievement, a lifetime of promise, and I think a lifetime of effort and work. I, for one, would have felt bad had I not gotten over here and said just a few words about my friend John Heinz.

REVEREND DANFORTH'S HOMILY DELIVERED AT JOHN HEINZ' FUNERAL

Mr. BOND. Mr. President, several people today have mentioned the homily delivered by the senior Senator from Missouri at the services for Senator Heinz yesterday. I have now been able to obtain a copy of it. Several of my colleagues have expressed a desire to see this, and I ask unanimous consent that a copy of the homily deliv-

ered by Reverend DANFORTH be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOMILY DELIVERED BY REV. JOHN C. DANFORTH AT THE FUNERAL OF U.S. SENATOR JOHN HEINZ, HEINZ MEMORIAL CHAPEL, UNIVERSITY OF PITTSBURGH CAMPUS, PITTSBURGH, PA, APRIL 10, 1991

Teresa, John, Andre, Chris: Throughout the country there is a tremendous outpouring of love for your Jack, your Dad, and of support for you.

It comes from the President of the United States, from John's colleagues in the Senate, and from a security guard at Lambert Airport in St. Louis who said last Friday, "We have lost a great leader."

Famous people and ordinary people in countless numbers would do anything in their power to lift you up. You know that already, but it deserves saying.

Over the past few days, you have made it very clear that you want this to be a personal service. It has been that. The touching participation of John's children and of his closest friends remind us that he was much more than a distinguished public figure. He was a husband, a father and a friend. For those of us who knew him well, there was no question in our minds that the private things came first. Much of his time was in his job. His heart was in his family.

The tributes we have heard were very personal, and we are grateful for them. But this is more than a memorial service. It is a worship service. And at every worship service, God is at the center. So I would like to think with you for just a few minutes about John Heinz and about God, and about how John's life and death reflect the Christian faith.

Christianity is about self-giving. It is about Christ, who is equal to the Father, but who empties himself, takes the form of a servant and gives himself unto death. St. Paul tells us that this self-giving Christ should be the model of life for you and for me.

This was the model for John Heinz. John gave himself unto death. He had everything. But a lot of people who have everything want to keep everything. They clutch it to themselves. They never want to let go. They are timid victims of their own good fortune.

The real issue in life is not how much blessings we have, but what we do with our blessings. That is the parable of the talents. Some people have many blessings and hoard them. Some have few and give everything away. John Heinz was a giver.

Twenty years ago, John left a world of security and entered a world of risk. The safe course was open to him. He could have stayed in business, working for the family company. Through caution, failure was impossible. In the vernacular, he had it made. Then he ran for office.

Politics is not a secure career. In politics, victory is possible, and so is defeat. Glory is possible, and so is embarrassment. And when embarrassment comes, it is as though all the world is watching you.

John did not need to be in politics. He did not need the town meetings and fundraisers, the days on the road, the nights in motels, the cramped hours in little airplanes. It was his gift.

It was his gift to the people he most wanted to serve—people so different from himself—old people, weak people, people whose lifelong jobs had disappeared. Those were the

people he worked for with a persistence unmatched by anyone else I have ever known. He was doing it for them, and they knew it.

John Heinz made a gift to the people he wanted to serve. That gift turned out to be his life.

From time to time, politicians die in office. John did not merely die in office, he died while performing the duties of his office. That is a very big difference. In the literal sense, he gave his life to public service.

St. Paul tells us that we should be like Christ. Like Christ, we should empty ourselves and become servants. Like Christ, we should be obedient unto death.

But that is not all St. Paul says. Death is not the end of the story. There is a "therefore" clause. Christ became a servant; Christ suffered death; therefore, God has exalted Christ.

Teresa, your Jack died in Easter week. Think about that. Think about Easter. Christ gave his life and conquered death. He offered himself; therefore, he is exalted.

He is risen! That is the ancient acclamation of Easter. The Lord is risen, indeed.

John Heinz did what we have been told to do. He took the form of a servant. He was obedient unto death. Those are the orders. Now for the promise. Death is conquered. Christ is risen. John Heinz is with his Lord.

SENATOR JOHN HEINZ

Mrs. KASSEBAUM. Mr. President, I join with my colleagues and the people of Pennsylvania in expressing my deepest sympathy to the family of John Heinz. Many thoughtful words have already been spoken about John's intellectual tenacity, his commitment to public service, and his energies devoted to family and public policy. I know this to be true, as I served with him on the Banking Committee and the Special Committee on Aging.

It is important, I think, to remember as well that he challenged each and every one of us, just as he challenged himself, with a twinkle in his eye and a great zest for life and its opportunities.

Much has been said already about Senator Heinz' impressive record of achievement in the Senate. He played a key role in restoring the Social Security System to a sound footing, in pressing for health care reforms that have improved life for millions of elderly citizens and in hammering out far-reaching trade policies that he believed were vital to the health of American industry.

Mr. President, there have been comments in the press that for all his intelligence and ability, Senator Heinz never learned how to play the game here in Washington. I think that John would take those comments as a tribute because he never believed that Government was a game. He understood that Government is a very serious business that affects the daily life of every American and that often is literally a matter of life and death. As we all know, John Heinz could have done almost anything that he wished in life. That he chose to serve his country and

his State with dedication, distinction, and integrity is his own best tribute. He might have done many things well, but he could not have served better or accomplished more than he did in the years he spent in this Chamber. Along with offering my condolences, I offer my gratitude as well.

Mr. President, I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. BIDEN. Mr. President, yesterday many of us gathered in a chapel in Pittsburgh to say goodbye to a public servant, and a friend, who was taken from us all too soon. The senior Senator from Missouri [Mr. DANFORTH] touched us all with his heartfelt homily, and here on the Senate floor we have listened as a number of our colleagues have shared some very personal thoughts on the loss of our respected colleague and valued friend, Senator John Heinz.

The past few days have been days of unspeakable sorrow, and I think that each one of us has spent a good portion of each day reflecting, not only upon the loss that we in this body have suffered, but upon the fragility of life itself.

The simple eloquence and pained sincerity of my colleagues as they shared their feelings have been part of a moving tribute, not only to John Heinz, but to the deep compassion we feel for all those who have been touched by this tragedy.

And yet, at the same time, it is hard to believe that this is happening. It is hard to believe that John Heinz will not stride through that door in the next moment, that he will not meet me at the subway to discuss recent developments with the Philadelphia Navy Yard or other matters important to the people of the Delaware Valley.

It is hard to believe that John Heinz will not buttonhold me here on the Senate floor to discuss his latest legislation to protect America's senior citizens, or to encourage economic incentives to protect our environment well into the 21st century. And I cannot believe that at the end of a long Senate session, John will not be at the place where we park our cars and, even if we have had a sharp disagreement on the Senate floor, inquire about the well-being of my wife and children. John Heinz has been an integral part of the Senate, and of many of our lives, for a very long time, and it is almost hard to believe that today we are here paying tribute to his memory.

Millions of Americans' lives are better today because of John Heinz' work. My mom and dad are better off because of John's work on behalf of senior citizens. Some of my old friends in Scranton, PA, have jobs today because of John's efforts on behalf of Pennsylvania's industries. All of us will live in a healthier environment because of

John's farsightedness on environmental matters.

And yet, that is not the real tragedy of John Heinz' passing. The real tragedy is the loss of his great potential, the good work that John Heinz could have done for this Nation for another 20 years. We will feel that loss long after today's grief has, if not subsided, at least turned to acceptance.

I can all too fully understand the shattering grief that John's family, as well as the families of all the others involved, is going through. My heart goes out to Teresa Heinz and their three boys, and hope that they can find solace in the fact that John was not only a good husband and father, but a committed public official who made the lives of a lot of people a great deal better.

THE DEATH OF SENATOR JOHN HEINZ

Mr. GLENN. Mr. President, I rise today to honor the memory of our late colleague, John Heinz, distinguished Senator from Pennsylvania, who served in this Chamber until his life and career were tragically cut short last week.

It was my privilege to work with John Heinz on many issues. I will not pretend that we always agreed on the best courses of action, but I came to respect him as a steadfast and responsive advocate for the people who make our steel and mine our coal. His problem-solving approach to economic concerns was innovative and refreshing, and helped us rise above partisan differences in confronting the problems of our States.

Much of John Heinz' outstanding work was done on behalf of Americans in their senior years. I had the privilege of serving with him on the Special Committee on Aging and was always impressed with his work because he so often asked the right questions. "Why must Americans retire at age 65?" he asked, and the answer led to legislation outlawing mandatory retirement. He saw nursing home residents tied to their chairs and asked "Whose needs are being served by this indignity?" The answer to that was legislation that prevented the elderly from being treated as second-class citizens. And most significantly, he continually asked how we could best protect the safety and integrity of Social Security, and is largely responsible for restoring its health and the confidence of the public in its security in the years to come.

Senator Heinz also served with great distinction on the Senate Governmental Affairs Committee of which I am chairman.

The untimely death of this young and vigorous Senator has shocked and saddened all of us. But as we grieve for our friend and colleague, let us also be thankful for what he accomplished, for

what he taught us, and for what he was—a strong and conscientious Senator, and a gifted and compassionate human being.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. RIEGLE. Mr. President, the tragic passing of our friend and colleague Senator Heinz is mourned not only by those of us in this body who had the privilege of working with him and knowing him personally, but by countless others, both at home and abroad, whose cause he championed during his years of public service. One of the many causes he embraced was that of the Baltic people who are struggling to reestablish their independence.

It has come to my attention that the Latvian Government has expressed its deep sorrow at the passing of Senator Heinz, and I ask unanimous consent that the text of a message from the Latvian President, Anatolijs Gorbunovs be printed in full at this point in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

The Supreme Council of the Republic of Latvia extends its deepest sympathies to the family, friends and colleagues of Senator John Heinz. Senator Heinz' death is a tragic loss for the people of Pennsylvania and for all Americans whom he served so ably in the United States. His loss is also felt in Latvia, not simply because we viewed him as a friend, but because the principles he stood for—the rights of children, the elderly and working people—are principles that are highly valued by the Government and people of Latvia.

ANATOLIJS GORBUNOVS,
President, Supreme Council,
Republic of Latvia.

RIGA, LATVIA, April 8, 1991.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. NUNN. Mr. President, the tragic death of our colleague, John Heinz, last week saddened the Nation, and stunned the Senate. Our hearts go out to his wife Teresa, and their three sons, to whom John was so devoted. There was one of the finest families to grace this body. We all watched his boys grow up during John's years in Congress, and knew that John's and Teresa's caring for other people and the world around them did not come at the expense of their own children during those growing-up years. He shared Teresa's intense interest in the environment, and was very proud of her work with the Environmental Defense Fund, Peace Links, and for Soviet Jewry.

John and I were contemporaries in the most literal sense. We were the same age. He was elected to Congress in 1971, I came to the Senate a year later. We began our congressional careers at a time of great disillusion-

ment, when many Americans—and many in politics and government—had lost their faith in the ability of government to respond to the people's needs and to act effectively on their behalf. John Heinz did not accept that. Faced with virtually limitless possibilities of what he might do with his life—among other things, he played virtually professional level tennis even after two decades on the Hill—he chose public service out of a conviction that the privilege to which he was born offered both a responsibility and an opportunity to make a difference.

He brought a fine intelligence and great charm to the causes he championed, and an admirable tenacity as well. He was undaunted by powerful opposition when he thought something needed to be done. It is fitting that in his last big battle in the Senate, he was motivated by his concern for the children of military personnel, and that the plane in which he died was taking him to a hearing on scams aimed at the elderly, but his interests also included arms control, international affairs, and environmental concerns.

It is always painful to lose someone in the prime of life, with his powers and potential at their peak, but it is especially painful to lose someone who chose to use those powers and potential to serve his State and Nation with such unselfish vision and caring.

I did not always agree with John Heinz, but I always respected his views and his integrity. John rose above partisan concerns on issues where he felt our Nation's vital interests, and the needs of its people, were at stake. He loved his beautiful State and he loved his country, and both were made better for his having been here.

SENATOR JOHN TOWER

Mr. NUNN. Mr. President, I was deeply saddened by the tragic news last week that Senator John Tower and his daughter, Marian, had been killed in an airplane crash. America has lost a patriot. Senator Tower's love of country and belief in a strong national defense characterized his many years of distinguished public service.

John Tower was a committed Senator who provided important leadership to America's defense policy. He fought for freedom, and worked diligently to make the world more secure. He played a major role in the long, dedicated effort to keep America strong during a critical period in our history.

My sympathies go out to his family in this tragic loss.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 796 are located in today's RECORD under "State-

ments on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. GORE. Mr. President, I wish to thank the distinguished President pro tempore for his courtesy in allowing me to proceed with my remark now, and I shall look forward to his shortly.

GLOBAL WARMING

Mr. GORE. Mr. President, on Tuesday I rose to speak about new scientific evidence showing an increased threat to the stratospheric ozone layer. A third of the Senate joined in signing a letter to the President and to the head of the EPA. The distinguished occupant of the Chair was, I think, the second or third person to say yes, I would like to sign that letter and cosponsored a resolution which was introduced on Tuesday.

Yesterday I had the privilege of hosting a luncheon where Frank Press, the head of the National Academy of Sciences, previewed the report released yesterday from the National Academy of Sciences on global warming. Later today I will be pleased to join with Senator ROTH in the introduction of the Earth Day 1991 resolution for this year with 51 cosponsors, but I will wait until after his remarks to address that subject.

On this occasion I would like to speak a little bit more about the NAS study I just mentioned.

This study rings the alarm bells again and tells us of the urgent need to take action now to combat global warming. The academy's report, the product of an exhaustive study by leading scientists, economists and policymakers, makes clear that there are steps we can and must take right now to begin countering the threat of global warming.

Spokesmen for the administration put on a brave face yesterday and pretended that these recommendations are the kinds of things the administration has in mind. Let us let them demonstrate that with deeds and not just words.

What the National Academy is recommending does not in my opinion go far enough, but it goes very far and it is strikingly different from any recommendations we have seen from the Bush administration.

Confirming the assessments previously made by scientists from around the world, the academy reported that we could experience temperature increases greater than any in human history. Should we do nothing and allow the temperature increases to occur, we will need massive responses because of the stresses on this planet and its inhabitants, and I am quoting from the academy's own language.

What can be done about the situation? Are we powerless? Unlike what

the administration would have us believe, the unequivocal message of the academy report is we can and must attach this problem now. We have tools in hand to make a significant difference. In fact, the academy tells us with existing technology we can offset prospective growth in emissions by 40 percent. And at what cost? The administration, on that one, says we could lose up to 3 percent of GNP, billions of dollars; but the academy, like the experts at the Office of Technology Assessment, now makes it clear our economy will lose if we do not act.

So let us shatter the myths. The administration attempts to embrace this report. For one, they shouted, "Me, too," but the White House effect thus far has been merely to cloud over the scientific finding. They will have a harder time with this one. In fact, the national energy strategy falls far short of what we need to satisfy our energy needs while protecting the environment and ensuring our security.

While the President would have us believe his plan would, for example, support State efficiency and conservation initiatives, the budget he submitted practically zeroes out funding for those very same initiatives.

While the President says his proposal is protective of our environment, in fact it jeopardizes one of the last pristine areas in the country, the Arctic National Wildlife Reserve.

The President simply has not made global environment a priority. The academy's report shows the President is listening to political cronies and not to experts on energy and the environment.

While the experts tell us of the great potential for energy savings from new efficiency technologies, the President not only has failed to call for efficiency standards but in fact has prohibited the Department of Energy from requiring more stringent standards and rejected the advice of his own Secretary of Energy to recommend such proposals.

I congratulate former Senator Dan Evans and his colleagues responsible for the NAS study.

I ask unanimous consent to include with my remarks some articles elucidating some of details of the academy report.

I urge my colleagues to begin taking the actions now recommended by the National Academy of Sciences.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1991]

STRICT ENERGY-SAVING URGED TO COMBAT GLOBAL WARMING

(By Michael Weisskopf)

The National Academy of Sciences yesterday recommended a prompt and aggressive regimen of energy conservation measures to reduce the Earth's warming trend, projecting

negligible costs for what it called a "planetary insurance policy."

In the most authoritative U.S. assessment to date of policy options to combat the "greenhouse effect," the academy said that by more fully exploiting current technologies over the next 30 years, the United States could reduce by as much as 40 percent its emissions of industrial gases blamed for trapping solar heat and raising the Earth's temperature.

The academy blueprint included recommendations for: tax incentives or regulation to achieve a 30 percent increase in auto fuel efficiency; use of new, compact fluorescent bulbs to save 50 percent of the power used in lighting; more efficient motors to cut industrial energy demand by 30 percent; tougher standards for refrigerators and dishwashers to cut up to 30 percent of their energy use, and restructuring energy prices to more accurately reflect environmental costs.

While stopping short of setting specific limits on greenhouse gas emissions, as most European nations have done, the academy recommendations are more far-reaching than the Bush administration ventured in its proposed National Energy Strategy, and they are priced at a tiny fraction of White House cost estimates. The report is expected to provide ammunition for congressional critics of the administration's cautious approach to global warming.

"Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now," concluded a panel of the academy's Committee on Science, Engineering and Public Policy.

Presidential science adviser D. Allan Bromley said the panel's recommendations were "reasonable goals," but he reiterated the administration's opposition to energy taxes or "command and control" proposals, such as federally mandated efficiency standards for commercial buildings.

"The goals we have in mind are going to be achieved more effectively by people who believe they are doing it for their own benefit or the nation's benefit, rather than being forced by some centralized control mechanism," said Bromley.

Despite campaign promises to combat the greenhouse effect with the "White House effect," President Bush has stressed the scientific uncertainties and the need for more research. His advisers adhere to the gloomiest economic forecasts of a 3 percent decline in national income to achieve European goals of a 20 percent reduction in carbon dioxide—the principal warming gas.

With many of its members viewing global warming as the greatest environmental threat and calling for radical changes in the nation's energy structure, Congress asked for an assessment from the federal government's top advisory body on scientific and technical matters. The NAS named a 46-member panel consisting of scientists, economists and public-policy analysts.

In its report, the panel agreed with the administration that none of the major computer-generated climate models provides a "reliable forecast" of global warming. But the panel pointed to a "reasonable chance" that by the middle of the next century, when greenhouse gases are expected to double in concentration over pre-industrial times, global temperatures will increase 2 to 9 degrees Fahrenheit.

That estimate is within range of the general scientific consensus that temperatures will increase 4 to 8 degrees, forcing sea levels to rise and some plants to wither.

For Americans, who benefit from different climate zones and a dynamic farming sys-

tem, the temperature rises are not likely to cause adaptation problems worse than "the most severe conditions in the past, such as the Dust Bowl," said the panel. But the threat of an unforeseen calamity is "plausible," said the authors, warranting policies to cut global warming gases as "insurance protection against the great uncertainties and the possibility of dramatic surprises."

The panel noted that measures to reduce the gases can be accomplished at "modest cost. In other words, insurance is cheap."

According to its plan, 3.2 billion tons of greenhouse gases can be cut from the present U.S. output of 8 billion tons per year. None of the measures to achieve such reductions would cost more than \$9 per ton, and some would actually save money by removing the need, for example, for new power plants.

In February, the administration had cited controversial forecasts that energy taxes as high as \$250 a ton would be needed to significantly cut global warming gases when it unveiled an "action agenda" that essentially repackaged policies devised for other purposes, such as the phase-out of chlorofluorocarbons (CFCs) to restore the protective ozone layer. CFCs also are a powerful global-warming gas.

Apparently referring to the "action agenda," the panel called for "not only several actions that satisfy multiple goals but also several whose costs are justified mainly by countering or adapting to greenhouse warming."

[From the New York Times, Apr. 11, 1991]

URGENT STEPS URGED ON WARMING THREAT

(By William K. Stevens)

WASHINGTON, April 10.—In a report that was welcomed by the White House and environmentalists, the National Academy of Sciences said today that the United States should act promptly to reduce the threat of global warming.

An academy panel recommended a variety of steps, including raising overall mileage standards for new automobiles to 32.5 miles per gallon from 27.5; increasing Federal support for mass transit and reforestation, and developing a new generation of safe and efficient nuclear power plants. The feared warming is expected as a result of the steady accumulation of waste industrial gases like carbon dioxide.

The steps necessary to address global warming have been a matter of fierce political contention between the Bush Administration and environmental groups. Even within the Administration, the Environmental Protection Agency has favored quicker action against global warming, which the President's chief of staff, John H. Sununu, has opposed.

The academy's report seems to be intended as an adroit political compromise between the various factions, and was praised on all sides.

Rudiments of National Policy

Although its recommendations are somewhat general, as would be expected in a consensus document, they point the way to a broad-based national program for reducing carbon dioxide emissions. They lay down the rudiments of a national energy policy, which the Administration has long resisted.

William K. Reilly, the Administrator of the Environmental Protection Agency, called the report "a step forward," although he said that he did not necessarily agree with everything in it and that his agency had not yet analyzed it in detail.

A senior Administration official, who spoke on the condition that he not be identified, said he was pleased that the report had not recommended "draconian changes." He also praised the report's cautious stand on the uncertainties of global warming, its cost-benefit analysis, its refusal to propose target dates and quotas for reductions of carbon dioxide emissions, and the importance it places on eliminating another powerful trap- per of heat, chlorofluorocarbons.

Dr. D. Allan Bromley, the White House science adviser, said, "I am delighted with the report, as are all my colleagues in the White House. He said actions already taken by the Bush Administration would result in emission reductions on the order of those proposed by the academy."

The academy report "should put an end to the debate over whether it pays to act to slow global warming," said Dr. Michael Oppenheimer, an atmospheric scientist at the Environmental Defense Fund. "It makes a prima facie case for acting now. We can actually reduce emissions and save money at the same time."

"A Nimble Policy"

Even though the report does not set targets for reducing carbon dioxide, as environmental groups have long advocated, it was described as "a nimble policy" by a member of the panel, Dr. Jessica Tuchman Mathews, vice president of the World Resources Institute.

The panel said the prospect of global warming "poses a potential threat sufficient to merit prompt responses," even though it acknowledged that there was great uncertainty about its extent, timing and impact.

The academy panel said its proposed measures were all of "low cost," meaning they are cheap ways of reducing carbon dioxide and other waste gases. Low cost was defined as \$10 per metric ton of heat-trapping gases eliminated per year. The panel did not calculate the total value of the initial investment.

The panel said the United States "should resume full participation" in international programs to slow populations growth. Population, said Daniel J. Evans, the chairman of the panel, "is the biggest single driver of atmospheric pollution." Mr. Evans is a former Republican Senator and Governor from Washington.

The panel encouraged development and testing of a new generation of safe, efficient nuclear power plants to replace those that burn coal.

Its reports did not go as far as many environmentalists have advocated in reducing carbon dioxide emissions, concluding that options requiring great expenses are not justified at this time.

The Administration says that steps already taken will allow overall greenhouse-gas emissions in the U.S. to stabilize in the next decade. But they argue that this is nevertheless consistent with the possible reduction of 10 to 40 percent that the academy said can be achieved if its measures are followed.

This is because the academy figure represents the reduction that would take place if all the measures were in effect now. By that measure, said Michael Deland, the chairman of the White House Council on Environmental Quality, the actions already taken by the Administration would amount to a 20 to 25 percent reduction.

The effects of any such measures do not suddenly materialize in one year, but rather come into play over a period of years, in which economic and population growth cause

emissions to grow. This is not accounted for in the academy analysis, Mr. Deland said. Mr. Coppock, the director of the academy panel's staff, said this was true.

Environmentalists say the steps already taken by the Administration are not enough to achieve an absolute reduction in the "greenhouse" emissions in the United States but rather would merely allow them to stabilize in the short term while resuming their growth in the long term.

They also assert that some of the important steps recommended by the academy have been specifically rejected by the Administration. Among them are the increase in gasoline mileage standards for new cars to 32.5 miles per gallon; stronger Federal support for mass transit; and the eventual adoption of a system in which social and environmental costs would be included in setting the price of energy.

"No matter which way you slice it," Dr. Oppenheimer said, "what the academy is proposing is stronger than what the Administration had done." He said the academy's recommendations "go a long way toward meeting the goal of keeping the climate from going haywire."

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished President pro tempore for deferring to me.

Mr. President, I have three separate short tributes. I ask unanimous consent they be treated separately in the CONGRESSIONAL RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORTON. With the indulgence of the President pro tempore, it may take as much as 7 minutes. I ask unanimous consent to have that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR JOHN HEINZ

Mr. GORTON. Mr. President, I first met John Heinz when he visited Seattle in October 1980 as chairman of the National Republican Senatorial Committee. He was one of a small handful of Members of this body who campaigned on my behalf on what then seemed an uphill struggle.

My vivid memory, and that of my wife Sally, is of how much larger than life John Heinz appeared to us on that first visit. He believed in what we were doing; his enthusiasm was contagious. That drive and enthusiasm set fire to an awed campaign staff and to this candidate.

That larger than life enthusiasm was repeated, on my behalf, when I campaigned again in 1988, and was a part of everything John Heinz did as a member of this body. His enthusiasm was both boyish and purposefully directed. He was a powerful ally and, occasionally, an aggravatingly successful opponent. His dedication to the people of Pennsylvania was legendary and his energy on their behalf inexhaustible.

John Heinz was blessed with every advantage of family and position and education. It is said that from him to whom much is given much shall be required. John Heinz, through his own wonderful and loving wife and family, through his service to the millions of Pennsylvanians whom he represented so well and in his friendship and support for his colleagues here in the Senate of the United States, paid back to that family, to those constituents and to these friends far more than he ever received. We will all miss him; we were all made larger by his presence and will be smaller by his absence.

FORMER SENATOR JOHN TOWER

Mr. GORTON. Mr. President, John Tower was, I confess, a difficult man to know and to love. He was frequently curt, and often unyielding. He did not suffer fools gladly in a world in which he found many who fit that description.

But John Tower was a great, patriotic and dedicated American. He served his State faithfully and well but his reach was greater even than the breadth of the State of Texas. John Tower was truly a national Senator. He believed passionately in this country and its essential goodness. He was convinced that it was a force for good in this world, and that to accomplish that good America was required to be strong. John Tower worked through his entire public career to strengthen the America he loved, and he worked successfully toward that goal.

Few Americans have done more, through lean years and through fat years, than John Tower did to bring about the triumph of this Nation in the cold war over a persistent and dedicated opponent, or to assure the primacy of American ideas of liberty and freedom around the world. He contributed directly and vitally to the victory of American arms in the Arabian Peninsula.

While John Tower suffered defeat and bitterness during his last years his true monument is a strong, confident, and triumphant America.

LEE ATWATER

Mr. GORTON. Mr. President, I did not know Lee Atwater, chairman of the Republican National Committee, very well. For much of his too brief career he worked primarily in a region far from my own home and often for candidates in my own party with whom I did not always agree.

But Lee Atwater, a unique American, was both a product and a cause of one of the seminal changes in American political history. When only a few others could divine the future, Lee Atwater saw that the continued basis for success in American politics was to reflect and articulate the views of the vast

majority of patriotic Americans who have worked through their entire productive careers to build this country, and who have an immense pride in its accomplishments.

Lee Atwater reflected and stated the values of that American majority as a Republican at just the time that those values were being abandoned by the leaders of their traditional political home.

For Lee Atwater, the promised land was a Republican majority. Just as he was able to see that promised land beyond the Jordan, Lee Atwater was taken from us at the height of his powers and his influence. He lived and grew in wisdom and spiritual strength through an excruciatingly painful last year. We Republicans and we Americans owe him our deepest thanks and an ever vivid place in our memories.

Ms. MIKULSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you, Mr. President.

I note the chairman of the Appropriations Committee is standing as well, and has very kindly yielded. I appreciate the courtesy.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 797 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE LATE SENATOR JOHN HEINZ

Mr. BYRD. Mr. President—

Man that is born of a woman is of few days, and full of trouble.

He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Like all of our colleagues, I was stunned and saddened in learning of the tragic death of Senator John Heinz. I was stunned. One is never prepared for any death, even though one may anticipate that death is coming to a relative or a friend, and that the days are nearing the end.

But for a man so young, so fully in his prime, and so vibrant and energetic, it was a shock. Senator Heinz was a man of great promise. He was young; he was strong; he was handsome; he was wealthy. He represented a great State in the U.S. Senate and was a man of such accomplishment.

As a Senator from a State tangent to Pennsylvania, both geographically and in so many other important ways, I was privileged often to work with Senator Heinz, particularly on issues related to coal, energy, and the environment. I was again and again impressed by his dedication, his ability, his alertness, comprehension, and his cooperative spirit. As the heir to one of the

most famous names in American business and one of the country's largest fortunes, John Heinz could have devoted, or not devoted, his life to anything that he wanted. Pennsylvania and America are the more fortunate that he chose to spend himself and to give himself, literally, in public service, in a career in which he committed his considerable abilities and talents toward improving the lives of his fellow citizens. John Heinz was a man of principle, a man who believed that to whom much has been given, much will be required. Indeed, one might say that no one expected—even demanded—more of himself than did John Heinz.

"How far away is the temple of fame?"

Said a youth at the dawn of the day.

He toiled and strove for a deathless name;

The hours went by and the evening came,

Leaving him old and feeble and lame,

To plod on his cheerless way.

"How far away is the temple of good?"

Said another youth at the dawn of the day.

He toiled in the spirit of brotherhood,

To help and succor as best he could

The poor and unfortunate multitude,

In its hard and cheerless way.

He was careless alike of praise or blame,

But after his work was done,

An angel of glory from heaven came

To write on high his immortal name,

And to proclaim the truth that the temple of fame

And the temple of good are one.

For this is the lesson that history

Has taught since the world began;

That those whose memories never die,

But shine like stars in the human sky,

And brighter glow as the years go by,

Are the men who live for man.

I think of John Heinz in that vein and in that spirit. The Heinz family and the people of Pennsylvania have suffered an irreplaceable loss. America and the U.S. Senate have suffered a great loss. To Senator Heinz' wife, Teresa, and their three fine sons, and to all who loved him and sent him to Capitol Hill to serve our country, Erma and I offer our most sincere condolences. Know that we share your grief in the face of such an inexplicable loss and that we shall keep with you the memory of John Heinz in our own hearts.

And to John, the words of the Chambered Nautilus, flowing from the pen of Oliver Wendell Holmes, are most appropriate.

Build thee more stately mansions, O my soul,

As the swift seasons roll!

Leave thy low-vaulted past!

Let each new temple, nobler than the last,

Shut thee from Heaven with a dome more vast,

Till thou at length art free,

Leaving thine outgrown shell by life's unresting sea!

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

THE DEATHS OF SENATORS HEINZ AND TOWER

Mr. ROTH. Mr. President, as I have reflected these past few days over the deaths of two good friends and colleagues, I have been reminded of Hector's plea in "The Iliad": "Let me not die ingloriously and without struggle, but let me first do some great things that shall be told among men thereafter."

Nothing could more appropriately describe the lives and works of Senators John Heinz and John Tower. Their very efforts were dedicated to confronting the struggles of leading a great nation, as well as the challenges of confronting the daily criticisms inherent with leadership. Neither man cowered from the responsibilities. Rather, they left lasting legacies for a land that will long be grateful for their service.

Senator Heinz was a public servant in the most noble sense of the word—a well-to-do young man who refused wealth's invitation to relax and enjoy life's luxuries. Instead, he became anxiously engaged in service, in good causes for his constituents and fellow citizens. We served with each other on several committees, and I was always impressed by his dedication to ethics, justice, and opportunity for all—especially improving the economic condition of Americans.

His constituents were foremost in his mind, especially those who needed him most. Even the tragic journey that took his life was undertaken to investigate certain improper activities that are being perpetuated on the senior citizens of his State.

Like Senator Heinz, John Tower was another dedicated leader, a man who knew tremendous challenge but refused to surrender. Both sides of the aisle agree that few men in our history have left such a lasting impression on our Nation's foreign and defense policy. He was an architect of the Reagan administration's goal to restore America's defense posture. His philosophy was peace through strength, and as we watched the Eastern totalities crumble at the end of the decade, no one could call his philosophy foolish. As we watched our brave service men and women realize a speedy victory in the Persian Gulf, no one could condemn his vision.

Like Senator Heinz, John Tower was also dedicated to truth. Both were dedicated to the acquisition of knowledge that improved their capacity to serve. They studied long and hard before speaking out on issues, and when they spoke, they spoke with authority.

Both men served their country in capacities that challenged a comfortable existence. Both men worked for America's bright and productive destiny. Both men served, even when service was difficult, and those about them were critical. Their motivation was not personal gain but collective progress.

And now their lives are adorned not with words of praise but with the light of deeds.

(The remarks of Mr. ROTH pertaining to the introduction of Senate Joint Resolution 116 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended until 1:30 p.m. under the same conditions as heretofore prevailed.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE DEATH OF JOHN GOODWIN TOWER, A FORMER SENATOR FROM THE STATE OF TEXAS—SENATE RESOLUTION 97

Mr. GRAMM. Mr. President, on behalf of myself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 97) to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas.

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1985;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf war;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

Resolved, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian;

That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator; and

That when the Senate recess today, it recess as a further mark of respect to the memory of former Senator John Tower.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am happy to join my colleague from Texas in offering this resolution. Mr. President, John Tower was a great and good man. I often sought his advice and I al-

ways took that advice when it was given.

I think as we focus on the success of Operation Desert Storm, we should reflect on the contribution that John Tower made in rebuilding the Nation's defenses in the 1980's.

John Tower served with distinction and spoke out firmly in those times when few voices were raised in favor of a strong America, a strong defense. In 1980, when America was awakened to the threadbare condition of our national security, John Tower became the leader in working to rebuild our defense.

Our recent success in the Persian Gulf stands as a testament to his strong leadership in providing the weapons and recruiting the men and women who fought and won for America.

Mr. President, John Tower did many great things in his service on behalf of the people of Texas. But the thing which has impressed me the most is the fact that he has left us a living legacy in all the people whom he brought into the service of America since he took office in 1961.

I think John Tower should be remembered for many things: a great and dedicated Senator, a man who brought honor to this institution, a man who was our leader in rebuilding America's defenses. But he also was a man who brought into Government a flood of new talent, new people that have gone on to become leaders of Federal agencies and Congressmen, people who are providing leadership today and who will be leaders in the future.

This resolution seeks in a small way to acknowledge John Tower's accomplishments and to mourn his tragic loss. I commend it to our colleagues.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. President, I am delighted to join with my distinguished colleague from Texas in this resolution for John Tower. I served with John Tower for 14 years in the U.S. Senate. We came from different parties but we became friends over those years and worked together very closely in projects for Texas.

Listening to the services a couple days ago in Texas, I could not help but look at that church overflowing with friends and seeing the many people who had been associated with him and who benefited and profited by the experience of that association. I listened to one of them say John Tower dressed like an Englishman, but they said, deep inside John Tower was pure country and Texan. I looked at the devotion of his family and his lovely daughters and his wife Lilla and thought what a tragedy it had been to the country that he and his daughter, Marian, were lost a

week ago Friday in Georgia in a plane crash.

I think in reflecting on that tragedy we ought to think about the things that John Tower was able to do for his country, what he was able to accomplish. He was a voracious reader, a student of history, a lover of the English language. He was tough, he had independent judgment, a keen intellect and he was a patriot.

When John Tower was first elected to the U.S. Senate in 1961, he told a newspaper reporter that he would be there "as long as the people of Texas will have me." He was elected at the age of 35 to a seat that was originally held by Sam Houston. He seemed to face long odds of ever being reelected, much less serving four terms. John Tower proved the skeptics and the critics wrong, and not for the last time.

As a member, and later chairman, of the Senate Armed Services Committee, he demonstrated time and time again his commitment to national defense. How strongly he felt about it, how deeply he knew the issue. He developed an expertise that was widely recognized, built a record of achievement in the early eighties which helped permit our subsequent military success in the Persian Gulf and in Panama.

He was a patriot to the core. He enlisted in the Navy as an enlisted man at the age of 17 and served throughout the war on a gunboat in the Pacific. But ever the Texan, even the pictures of him in his Navy uniform showed those cowboy boots peeking out from under his trousers.

After the war, John remained in the Naval Reserve and worked his way up in the enlisted ranks. When he retired from the U.S. Senate, he was the only active enlisted reservist in the Congress. He brought to the Senate a keen understanding and appreciation of the problems facing enlisted men in our Armed Forces.

After leaving the Senate, he continued in public service as a chief negotiator on strategic nuclear armaments. And when the Iran-Contra scandal was uncovered, it was John Tower who headed up the special review board that told President Reagan how we got into that mess and how we could avoid it in the future.

John failed to win his final recognition when he was denied confirmation as Secretary of Defense in the new Bush administration. I supported John because I knew him well. I recognized his extraordinary qualifications for that post. I just could not square the man I had worked with so closely with the negative reports which surfaced about him.

That was a painful period for John, and for us as an institution. But John Tower moved on and took new challenges—until last Friday's tragedy.

Mr. President, let us remember him now for his long record of service and

devotion to our Nation, and his achievements for this Nation. Let us remember that keen mind, that hard work, that unwavering patriotism, and his achievements in strengthening our defense posture.

As we recall his combativeness, let us acknowledge also that he put our country first.

I urge the Senate to join with us in approving this resolution.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. KOHL). Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

NATIONAL TEACHER OF THE YEAR

Mr. BYRD. Mr. President, Henry Adams wrote, "A teacher affects eternity; he can never tell where his influence stops."

For generations, thoughtful people have recognized the imperative value of teachers and the teaching profession to the intellectual, emotional, and moral growth and development of the young and to the progress and quality of our culture.

Unfortunately, far too often, even the most dedicated, talented, and selfless men and women who commit their lives and careers to teaching, particularly at the elementary and secondary levels, receive scant, if any, acclaim or recognition.

For that reason, Mr. President, I am especially pleased today to acknowledge the recognition that has come to one teacher from my home State, West Virginia.

Ms. Rae McKee, a reading disabilities teacher at the Slanesville Elementary School, Hampshire County, WV, has been named National Teacher of the Year. Ms. McKee was selected out of four finalists and was honored officially at the Slanesville Elementary School yesterday, with both President Bush and Secretary of Education Lamar Alexander taking part in the ceremonies.

Interestingly, Rae McKee was reared within 10 miles of the school in which she now teaches and in which she has so distinguished herself. A graduate of Shepherd College, with a master's degree from West Virginia University, she at one point had been accepted at the College of William and Mary law school. Instead, she realized that her heart was in teaching.

The students who for 11 years have been Rae McKee's special responsibilities are the first beneficiaries of her choice of teaching over law.

Ultimately, the citizens of Hampshire County, of West Virginia, and of the United States will likewise be the beneficiaries of that choice. To the degree of the greater competence, self-as-

surance, independence, skill, and productivity of Rae McKee's students, our entire country will be that much stronger, that much more productive, and that much more secure.

Throughout my lifetime, I have felt a sense of gratitude to the teachers who devoted themselves to my own education, who virtually opened to me galaxies of knowledge and wisdom on which my mind and spirit have been nourished throughout the years since I sat in the classrooms.

I recall my teachers and how they inspired me to try to excel, and how they influenced my life. I know the worth of a good teacher, and I believe that Rae McKee is the kind of teacher with whom I sat in the schoolroom, the kind of teacher that every child in this country should have.

Sophocles said that the only good is knowledge, and that the only evil is ignorance. We owe so much to our teachers. I am convinced that perhaps no occupation, no profession, no career, is more vital or perhaps is as vital to our country's future strength and advancement as is the teaching profession.

I know that I speak for all West Virginians, and I know that I speak for all our colleagues in saluting Rae McKee of Slanesville, WV, as the 1991 National Teacher of the Year, and in thanking schoolteachers all across our country for their efforts on behalf of our children and our future as a nation, a society, and a culture.

A Builder builded a temple,

He wrought it with grace and skill;

Pillars and groins and arches,

All fashioned to work his will.

Men said, as they saw its beauty,

"It shall never know decay;

Great is thy skill, O Builder!

Thy fame shall endure for aye."

A Teacher builded a temple

With loving and infinite care,

Planning each arch with patience,

Laying each stone with prayer.

None praised her unceasing efforts,

None knew of her wondrous plan,

For the temple the Teacher builded

Was unseen by the eyes of man.

Gone is the Builder's temple,

Crumpled into the dust;

Low lies each stately pillar,

Food for consuming rust,

But the temple the Teacher builded

Will last while the ages roll,

For that beautiful unseen temple

Was a child's immortal soul.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

JOHN HEINZ

Mr. BOND. Mr. President, after attending the very moving services yesterday in Pittsburgh, I doubt if any one of us could deliver a more moving tribute to our late colleague and dear friend, John Heinz, than the distinguished Senator from Colorado did. I think we were all very much touched

by what he had to say about John Heinz.

I would say my colleague from Missouri who conducted the services, Mr. DANFORTH, did an absolutely superb job of helping us to understand this tragedy in the larger context of our religious faith. But I wanted to add my own personal thoughts, just as a footnote to the many eloquent speeches which have been made.

I have had the pleasure of working with Senator Heinz on the Banking Committee for some 4½ years. Last year, as we worked on the very important, but difficult National Affordable Housing Act, John Heinz was, again, as always, extremely effective in bringing together the House, the Senate, and the administration. He was very knowledgeable about the details of housing programs and had a great institutional memory on this subject. But he had a great knowledge about an entire range of issues that came before our committee. I was fascinated to watch him as he was always well prepared, asked very piercing questions, and came up with very, very well thought out positions.

We did not always agree. We worked together on some measures like SEC, CFTC jurisdiction fight, which he felt very strongly about. On others, we worked in opposition.

But the words during the service yesterday brought back to mind my first meeting with John Heinz. In 1975 we both participated in something called the "King of Capitol Hill Sports Competition." It is long forgotten and not lamented, but a number of us in politics engaged in various sports activities. I had the misfortune of getting just far enough in the competition to draw John Heinz as a tennis opponent. He thoroughly and soundly whipped me—one of the toughest competitors I have ever run into.

But, just as he was a tough competitor on the athletic field and a very strong and vital proponent of his views in this body and elsewhere, once you battled with him, after it was over he was a wonderful, genial, delightful person who you could not help but like.

Yesterday in the services it was said: He was the person everybody would want as a brother.

I was deeply touched by his sons who talked about him and pointed out he was a man who hated to waste time, he had so much to live for. Well, his contributions are contributions that only a busy man and a very talented man could make.

I was back in my State when news of the tragedy reached us and I found Missourians from all walks of life, rich and poor, young and old—particularly the old, who appreciated his contributions on the Select Committee on Aging—extended their condolences and asked me to pass them along to the family of Senator Heinz.

Last year my wife and I had the opportunity to travel with John and Teresa on a trip to Central Europe and became even better friends with him. We were very much impressed with the breadth of his knowledge of the culture of other countries as well as our culture. These were all subjects with which he was fascinated. He was extremely well informed. He was a man with whom it was a delight to converse on any of a range of subjects. Whether it be art, cuisine, history, economics, or international monetary policy—John Heinz was always extremely well informed.

Yesterday in the services Senator DANFORTH gave us a reason to thank God that John Heinz had fulfilled the mission of service for which we are all put on this Earth. People pointed out his talent, his enthusiasm, his adventurous and joyous spirit. His contributions—legislative and others—will long remain. But the memory we have of that spirit, of that enthusiasm, of that good nature, of that cooperative and friendly spirit is something we will carry in our hearts forever.

I join with my colleagues in expressing our deep concern and our love for his family and hope they will know that this is a giant of a man who is and will be greatly missed in this body and around the country.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I further ask unanimous consent I may proceed for an additional 3 minutes, in order to present two sets of remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN HEINZ

Mr. DODD. Mr. President, I wish to join, as well, today, as have a number of our colleagues on this occasion as well as previous occasions over the last several days—and of course those of us who were present yesterday in Pittsburgh to hear the eloquent remarks of our colleagues from Colorado and Missouri—in expressing the great sense of loss and tragedy that we in this institution feel. It is a feeling shared by his family and friends, his constituents and, as the distinguished Senator from Missouri just noted, countless people across this country who were not in a direct sense constituents of John Heinz but nevertheless the faceless, nameless beneficiaries of his timeless work in this body.

John Heinz' life was a tremendous gift to this Nation and to all of us who knew him. His death is certainly a terrible tragedy. In the past few days,

many of our colleagues and others who knew John well have had many kind words to say about him. I listened to the touching comments made by Senator DANFORTH in his homily and Senator WIRTH in his very personal remarks. I am sure neither of our two colleagues will object, Mr. President, although their remarks were personal, if I say that they were speaking for all of us here in this body.

I especially found moving the eulogies delivered by John's three sons: John IV, Andre, and Christopher. For each of them and for John's wife, Teresa, I offer my deepest condolences for their indescribable loss.

All of these people, plus many others, have painted an eloquent and accurate picture of John Heinz and the life that he led. He was an exceptionally hard-working man. He was also a man of intellectual honesty. He consistently chose principle over expediency. Yet, as we all know, he was never one to back down from a good challenge or a good fight.

We know that John was born of privilege, but as we also know, he rejected a life of ease. He was willing to do his homework on the most complex issues. In fact, he chose as his issues some of the most intractable and complex issues that this Nation had to come to terms with. His diligence and resolve were demonstrated time and time again in the committees on which he served and on the floor of this body.

John approached his work as he did his life, with a seemingly endless supply of energy and enthusiasm. Whether he was tackling a complex labor issue or spearheading a debt-for-environment swap or handling complicated legislation on Medicare, John was a man of vision, drive, and a true sense of purpose.

Many of our colleagues have made reference to aspects of John's brilliant career in politics. I had the privilege and unique opportunity to work closely with him on the Securities Subcommittee of the Banking Committee. It was through that experience that I got to know John best and learned the real measure of this man.

When the Banking Committee organized at the beginning of the 101st Congress, I was given the opportunity to chair the Securities Subcommittee. John became the ranking minority member of that subcommittee.

Mr. President, from the very first time we sat down together to map out the agenda for their committees. I realized that having John as the ranking member was the best thing that could have happened to the Securities Subcommittee. It was also the best thing that could have happened for investors in the securities markets in this country. Mr. President, it was certainly the best thing that could have happened to this new chairman of that subcommittee.

The 101st Congress was an extraordinarily productive time for the Securities Subcommittee, and John's role during those 2 years was instrumental. John was a big thinker, a visionary who knew where our markets were going and where we had to go, as policymakers, to fulfill the capital needs of business and industry. He was not afraid to stake out a position early on and then prod the rest of the world, including this Senator, to catch up.

He was a leader, Mr. President, not a follower. But he was also a practical man. He knew how to frame an issue into what could be accomplished today and what must be left for another day.

I think we all find it unsettling to read a press account that attempts to characterize the life or career of someone we know. There is always an attempt at oversimplification which invariably undoubtedly misses the point entirely. One such report recently caught my eye. After describing John's dedication and his career, the article said that John was a loner. I would modify that somewhat. John was independent. He was not a loner at all. When we worked together as chairman and ranking minority member of the Securities Subcommittee, John was a true partner in every sense of the word. We set the agenda together. We cochaired every hearing together. We cosponsored every securities bill together. When we needed to write the administration for a position on an issue, we wrote them together. When the bills moved to the conference and final passage on the Senate floor, we were there together.

I want to share just a few more thoughts about John, Mr. President, if I can. Despite the long hours we work together in this institution, I think we never really know one another as well as when we travel together, as we are forced to do from time to time, either in this country or elsewhere. Until you have been on a plane countless hours and had to share breakfasts, dinners, meetings, and a few leisure hours with one another, you do not really get a chance to know another Senator as you might like.

John and I took such a trip just about a year ago last month when we met with officials of the European Community to talk about Europe's single market initiative and the impact this would have on American firms and American competitiveness.

John believed, as I did, that it was terribly important we not move forward with financial reform legislation in this country in a vacuum. We simply had to understand what the Europeans were doing in creating the world's single largest market for financial institutions. We simply had to be concerned about the competitiveness of our own financial services industry.

Mr. President, we kept a brutal schedule over those 5 or 6 days. Not

only did I want that, but John insisted upon it. Yet at the end of every day, when others were grabbing half an hour's rest before dinner, John was out jogging through the streets, confirming what his son said yesterday, never wasting a moment. He would arrive energized for those long evening meetings and official dinners.

Mr. President, I treasure those personal moments I spent with John Heinz and the opportunity I had to get to know him. I will miss his intellectual energy, his leadership, and his courage. I will miss the planning of the agenda we worked out together on upcoming securities legislation or just spending long hours talking with him about the integration of the European market.

Mr. President, I will miss John not only because he made my job easy as the subcommittee chairman, but he also made it enjoyable. I will miss him as a thoughtful and hard-working colleague. But most of all, Mr. President, I will miss him as a friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

A TRIBUTE TO SENATOR JOHN TOWER

Mr. THURMOND. Mr. President, I rise today to mourn the tragic and untimely passing of my good friend, former Senator John Tower. Senator Tower was one of the finest men I have known, and I shall miss him greatly.

John Tower was a man of courage, character, and ability and a true patriot. He took great pride in serving his State and Nation, and the service he rendered was outstanding.

Senator Tower's career in public service was distinguished by integrity, courage, dedication, determination, and vigor. He was known to his friends as a man of great intelligence and perceptiveness, and his fine mind and wry sense of humor were an endless source of interest and amusement to us all.

John Tower was born September 29, 1925, in Houston, TX; the son and grandson of Methodist ministers. He earned a bachelor's degree from Southwestern University of Texas in 1948 and a master's degree in political science from Southern Methodist University in 1953. He served as an enlisted man in the Navy during World War II, and later pursued postgraduate studies at the London School of Economics and the University of London.

Prior to his election to the U.S. Senate in 1960, Tower's colorful career included stints as a radio announcer and an insurance agent. He was also a college professor of political science at Midwestern State University in Wichita Falls, TX. John Tower's 1961 swearing-in made him the first Republican Senator from Texas since 1877, and he immediately established himself as a force with which to be reckoned.

One of the things I admired most about Senator Tower was his Texas-style stubborn independence. Along with his polished manners and fine education, he had a streak of true individualism and strong-mindedness which made him both a sought-after ally and a feared opponent.

He was a staunch advocate for a strong national defense, even during the years when that was an unpopular stance. His tenure as chairman of the Senate Armed Services Committee was marked by his unique vision for America's future and his desire to see our country adequately defended. I believe that his championship of many military programs played a great part in the fine performance of our Armed Forces in the Persian Gulf war.

John Tower was also an outstanding advocate for the people of Texas, serving his State with the same energy and dedication he brought to all his endeavors. With true Texas style, he relished the sometimes convoluted process of garnering votes and achieving the results he wanted, and he brought boundless energy to bear on whatever task was at hand.

After leaving the Senate, Tower continued to serve this Nation well as an arms negotiator and later as head of the Commission which investigated the Iran-Contra affair. His thoroughness and professionalism in both of these capacities were noted by many, and I believe he would have been an outstanding Secretary of Defense had his nomination been confirmed.

John Tower was a fine man, and appropriately named. He often joked about his diminutive stature, but in the eyes of his many friends and admirers and in service to his country he stood 10 feet tall. I enjoyed working with him over the years and I was proud to be his friend. His death represents a great loss to those who loved and admired him, to the State of Texas, and to this Nation.

I am also deeply grieved by the death of his lovely daughter Marian, a young woman of great intelligence and grace. My thoughts and prayers are with Senator Tower's remaining daughters, Penny Tower Cook and Jeanne Tower Cox, and with his lovely former wife Lou Bullington at this difficult time.

A TRIBUTE TO SENATOR JOHN HEINZ

Mr. THURMOND. Mr. President, it is with deep regret and a heavy heart that I rise today to mourn the untimely passing of one of the finest and most dedicated Members of this body—Senator John Heinz. I know I speak for all my colleagues in expressing the great loss we feel today.

Born on October 23, 1938, in Pittsburgh, PA, John Heinz was educated at Phillips Exeter Academy, Yale, and Harvard. He joined the Air Force as an

enlisted man and served his country with honor. As a marketing specialist at his family's H.J. Heinz Food Co., he was intrigued by the impact of elected officials on a community, and became involved in local politics.

Senator Heinz was first elected to the U.S. House of Representatives in a 1971 special election. Over the next 5 years, he was twice reelected to his House seat. In 1976, he was elected to the U.S. Senate, where he served for 15 years with great distinction.

Senator Heinz' legislative record reflects his deep commitment to both his constituency and the good of the Nation. He was instrumental in the passage of legislation which strengthened the Social Security Program. He was a champion of older Americans, playing a key role in the regulation of retirement policies, pension plans, health insurance and nursing homes. He also successfully pushed for legislation that encouraged American exports and protected American products, especially steel and textiles from unfair foreign competition. His record of accomplishments is one of which we can all be proud.

John Heinz was a man of great character, commitment and ability. He served his State and Nation with such great zeal that it seems ironic one so energetic and vital could be so abruptly taken from this world. Yet I know that God has a plan, and that he has one for John Heinz, who is now safe with the Lord. I hope we will all take a few private moments to reflect on the life of this man who gave himself so completely and selflessly to public office.

The admiration and respect we feel for his memory is perhaps best expressed in a letter which was written by Senator Heinz' personal staff, "We had a great run, this Heinz team. But really it was he who had the great run; we were just lucky enough to be along for the ride." As Senators, we too were fortunate to have "been along" with such a good man.

My thoughts and prayers are with the entire Heinz family, and especially John's lovely wife, Maria Teresa, and their three children, John, Andre and Christopher.

Mr. President, I ask unanimous consent that the excellent tributes by Senator TIM WIRTH of Colorado and Senator JOHN DANFORTH of Missouri be printed in the RECORD. Senator DANFORTH is to be commended for the exemplary manner in which he presided over the funeral.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOMILY DELIVERED BY REV. JOHN C. DANFORTH AT THE FUNERAL OF U.S. SENATOR JOHN HEINZ, HEINZ MEMORIAL CHAPEL, UNIVERSITY OF PITTSBURGH CAMPUS, PITTSBURGH, PA, APRIL 10, 1991

Teresa, John, Andre, Chris: Throughout the country there is a tremendous outpouring of love for your Jack, your Dad, and of support for you.

It comes from the President of the United States, from John's colleagues in the Senate, and from a security guard at Lambert Airport in St. Louis who said last Friday, "We have lost a great leader."

Famous people and ordinary people in countless numbers would do anything in their power to lift you up. You know that already, but it deserves saying.

Over the past few days, you have made it very clear that you want this to be a personal service. It has been that. The touching participation of John's children and of his closest friends remind us that he was much more than a distinguished public figure. He was a husband, a father and a friend. For those of us who know him well, there was no question in our minds that the private things came first. Much of this time was in his job. His heart was in his family.

The tributes we have heard were very personal, and we are grateful for them. But this is more than a memorial service. It is a worship service. And at every worship service, God is at the center. So I would like to think with you for just a few minutes about John Heinz and about God, and about how John's life and death reflect the Christian faith.

Christianity is about self-giving. It is about Christ, who is equal to the Father, but who empties himself, takes the form of a servant and gives himself unto death. St. Paul tells us that this self-giving Christ should be the model of life for you and for me.

This was the model for John Heinz. John gave himself unto death. He had everything. But a lot of people who have everything want to keep everything. They clutch it to themselves. They never want to let go. They are timid victims of their own good fortune.

The real issue in life is not how many blessings we have, but what we do with our blessings. That is the parable of the talents. Some people have many blessings and hoard them. Some have few and give everything away. John Heinz was a giver.

Twenty years ago, John left a world of security and entered a world of risk. The safe course was open to him. He could have stayed in business, working for the family company. Through caution, failure was impossible. In the vernacular, he had it made. Then he ran for office.

Politics is not a secure career. In politics, victory is possible, and so is defeat. Glory is possible, and so is embarrassment. And when embarrassment comes, it is as though all the world is watching you.

John did not need to be in politics. He did not need the town meetings and fundraisers, the days on the road, the nights in motels, the cramped hours in little airplanes. It was his gift.

It was his gift to the people he most wanted to serve—people so different from himself—old people, weak people, people whose lifelong jobs had disappeared. Those were the people he worked for with a persistence unmatched by anyone else I have ever known. He was doing it for them, and they knew it.

John Heinz made a gift to the people he wanted to serve. That gift turned out to be his life.

From time to time, politicians die in office. John did not merely die in office, he died while performing the duties of this office. That is a very big difference. In the literal sense, he gave his life to public service.

St Paul tells us that we should be like Christ. Like Christ, we should empty ourselves and become servants. Like Christ, we should be obedient unto death.

But that is not all St. Paul says. Death is not the end of the story. There is a "therefore" clause. Christ became a servant; Christ suffered death; therefore, God has exalted Christ.

Teresa, your Jack died in Easter week. Think about that. Think about Easter. Christ gave his life and conquered death. He offered himself; therefore, he is exalted.

He is risen! That is the ancient acclamation of Easter. The Lord is risen, indeed.

John Heinz did what we have been told to do. He took the form of a servant. He was obedient unto death. Those are the orders. Now for the promise. Death is conquered. Christ is risen. John Heinz is with his Lord.

TRIBUTE TO SENATOR JOHN HEINZ BY SENATOR TIMOTHY E. WIRTH, HEINZ MEMORIAL CHAPEL, APRIL 10, 1991

Thank you all for joining the Heinz family today in this healing ceremony of grief and love and faith.

"The elected," Robert Lowell said of those who hold high office in Washington, "they come here bright as dimes and die disheveled and soft."

John Heinz left us still shining, still hard at work at the demanding job he loved, still growing as a public servant and as a private man.

That is what makes his death so hard to bear and his life so important to understand. It was not a glamorous life. Only in fiction does glamour figure in politics.

In real life, politics—if done right, as John did it—stretches a man to his limits, deepens his knowledge and calls him not just to learn but to lead, to see through his own time to the needs and the possibilities of the next generation.

John brought three essentials to this career of public service.

He worked hard. He was stubborn. And he set the right priorities.

I've never known anyone with a more prodigious capacity for work. He would have breakfast in Pittsburgh and be back on Capitol Hill the same morning for a hearing, knowing his brief thoroughly.

He had little patience with those who were ill-prepared and even less with those who did not work hard.

Heaven help the staffer or witness who tried to do a snow job on John Heinz!

His determination to defend and advance the causes for which he cared did not always make him popular. But John willingly took that risk, as a committed politician must.

He could send the Senate leadership up the wall faster than anyone else I have seen, especially when he took the floor on behalf of his State and then would not budge an inch.

He didn't care how lonely or uncomfortable it got. He would stay there fighting for fair treatment for Pennsylvania until he won.

And he picked the right fights. The cause of decent health care has not had a fiercer advocate. The rights of senior citizens have not had a more devoted defender. Long term care, health maintenance organizations, hospice care, the diabetes network—the list is a long one.

He had a deep feeling about how life ought to be, a deep commitment to people who had

lived a full life, given of themselves and now deserved the respect and care of their communities.

He focused the same compassion on workers displaced and powerless in the face of crunching world change and threatened with job loss and family despair, people who had contributed all of their lives and now needed help.

How wise labor had been in trusting their instinct that he would be their friend. They took a chance and endorsed John when he first ran in 1971.

And how proud he was to be their champion.

It was a direct line from here to his commitment to the environment—he believed that the Earth has nurtured us, and that it is our obligation in turn to take care of the Earth.

He developed a depth of knowledge and understanding, and a consequent sense of urgency to solve the problems we are facing.

Enormous energy and creativity were thrown into the task.

"Get the World Bank up here—they don't understand what they're doing!" he roared.

He was outraged that every year fires were destroying areas the size of Pennsylvania in the Amazonian Rain Forest.

He said that we need strategies to sustain rather than destroy our natural resources, and wondered if we could use marketplace incentives to solve environmental problems.

The energy—the intellect—the phenomenal memory that caught and challenged everyone—were all part of the remarkable talent and the joy of working with John.

But perhaps most basic to his effectiveness was an endearing innocence.

He really believed that he could make the world a better place.

For all his sophistication, he had a wonderfully naive, almost little-boy-like mischievous commitment to making it better—such a contrast to the jaded resignation of our time.

His was not just an exemplary public career, earned with distinction and carried with enormous confidence. He also strove to master the other half of the political balancing act—the close and nurturing relationship with his family.

Out of the pride he felt in each of his sons, he came better to understand his own growth and his political mission.

He developed an equilibrium that gave him the freedom to dare and to believe that he could do better and that, as a result, the world could be better.

If it is true that "of those to whom much has been given, much will be asked," must we not seize this sense of the possible from his life, heed his compulsion, take up his commitment, and incorporate them in our own way of living and our own responsibility for the future.

Of course, we must.

We shall.

[A final note.]

John and I were friends. With Teresa and Wren, we were a foursome, devoted, committed, bound to one another, all of us managing somehow to make each of the others better, better in what we tried to accomplish, better at understanding and thinking about our children, better in the new ways that we invented to laugh and to cope with political life.

Now we are diminished—but the void will be filled by his children, all of our children, the next generation who join in the kind of life John Heinz had helped us to create, a shining life, a giving life, a rewarding life, a

life of love and growth and steady faith in the way the world ought to be.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the period for morning business be extended until 2 p.m. under the conditions as previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR JOHN HEINZ

Mr. McCONNELL. Mr. President, just a week ago, this Nation was riveted by the news of the terrible plane crash in Pennsylvania that took the lives of seven people, including our own John Heinz. We have all asked the same questions about the accident:

Why? Why John Heinz? I also know that none of us can answer those questions, so it is really better not to dwell on that, and to remember how John lived rather than how or why he died.

John was one of the first Senators I met when I came to the Senate. I had not served in the House, and as a result of that I did not know very many people in this body. He took an interest in me, sort of took me under his wing at the outset, and helped me get off to a good start. I will never forget that.

John lived a full, meaningful, and robust life. As everyone knows, he was certainly blessed by birth into a great American family.

He attended our Nation's finest educational institutions. He returned to a thriving family business. He married and had three wonderful sons.

For many, life would have seemed very complete at that point. Not for John Heinz. Instead, he decided to give something back to the lives of all Americans. As a Member of Congress, John's legislative priorities and victories always were for the benefit of the average American. Specifically, John was instrumental in increasing U.S. exports to protect and create Pennsylvania's industrial jobs, was a key player in the rescue effort of the Social Security system, and moved to successfully eliminate mandatory retirement ages. He also wrote tough legislation to improve the health of the elderly and protect residents of nursing homes. John's efforts on the Senate Aging Committee to fight abuses in nursing homes and fraud in the Medicare Program will never be forgotten, not here, and certainly not back in Pennsylvania.

John was a champion of individual freedom and fought against international human rights abuses. As a matter of fact, Mr. President, the last

conversation I had with John was about the abuses of Saddam Hussein and the need to have war crimes trials once the Persian Gulf war was truly ended. John had a great concern about that, and felt, as I and many others here, that this war would never be truly over until those who perpetrated these crimes were brought to justice.

Public officials are always, Mr. President, striving to be in touch with the common man, as we always put it. It is ironic that Henry John Heinz, an uncommon man of certainly uncommon background, succeeded in truly understanding what was best for rank and file America.

That is why his Pennsylvania constituents, a diverse populous of city and country folk, farmers, and assembly line workers, blacks and whites, resoundingly returned John Heinz to this body term after term.

Mr. President, this is such a sad time for us all. It ends the story of a great Senator, a great friend, and a great American, but fortunately his accomplishments will live on.

I share deeply in the grief of his family and send my heartfelt sympathies and prayers to Teresa and their three sons.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

SENATOR JOHN HEINZ

Mr. STEVENS. Mr. President, I make a confession that I have not come to the floor before now because I knew that on the desk next to me would be the traditional flower arrangement that indicates we have a missing Member.

Senator HEINZ and I have sat beside one another and had many conversations about family, about business, and just about trivial matters, as a matter of fact. I know many people have spoken about John Heinz from the point of view of his contributions to public life, which were many. It certainly was an inspiring and memorable ceremony yesterday in Pittsburgh.

But the John Heinz that I shall miss most is as friend, who was sitting here beside me through the long nights that we often spend in the Senate, and the John Heinz who, after a similar tragedy that occurred in my family in 1978, showed really what it means to be a friend.

Many people do not know, but after my first wife was killed in an accident in 1978, in the summer of 1979 I took my family, my five children, to Nantucket, and we spent a month there to see if we could put our lives back together. John and Teresa were there with their sons.

I remember one particular day when John and some of his friends showed the Alaskans how to fish for blues in the Atlantic Ocean, we being western-

ers and people who love to fish. We enjoyed very much a personal life with John and Teresa Heinz.

Then, after I was remarried, Teresa was and has been very close to my wife, Catherine, and they have shared a great deal in the organization to which our Senate wives belong.

I happened to have been the chairman of the Republican Senatorial Campaign Committee during the period of time that John Heinz ran for the Senate and was elected and came to join us in 1977. In that period, I had known him as a Congressman, but I got to know him very well during that campaign. It was, in the following years, a great privilege to be with him.

Many people will comment on the fact that John Heinz, a man of great inherited wealth and natural talent, had committed himself to public service. That was a genuine commitment. It was not a commitment of someone who just was looking for something to do.

As has been said, in the area of aging and on the issues of Social Security and those people who have had misfortune in their lives, John Heinz's personal commitment to try to work through Government sources to assist in meeting their problems was enduring.

He had another recent commitment, and that was the subject of a letter, strangely enough, that I received in my office when I returned following his tragic and untimely death. He had written to me on a personal basis. I will not put the whole letter in the RECORD because it was a personal letter. But he asked me if I would like to join a working group to study a particular issue of importance to him, and that was American competitiveness in the critical technology areas.

He said this. I quote this:

Our constituents, many for the first time, learned the importance of smart bombs and other sophisticated semiconductor-based technology in the Persian Gulf war. There is no doubt in my mind that the same kinds of advanced technology are likewise critical to our ability to compete internationally in the next century. Inevitably political and military strength are directly related to economic strength. I believe we can only sustain our role in world political leadership if we maintain our economic leadership as well.

He told me that he thought our economic leadership had been jeopardized in serious ways and in a variety of circumstances, some of our own making and some because of the aggressiveness of others. He said that not all of these problems are subject to Government solutions. It may take time for corporate thinking about competitiveness to achieve results. But he said some of these problems are within the purview of government.

He asked me if I would join with him in a working group to examine competitiveness problems to see if we can develop solutions that would prevent

this issue from becoming part of the partisan debate. He did not want it to be part of a partisan debate. He sent me some information concerning critical technologies and indicated that concerns in Japan and Europe were pulling ahead of us in these technologies.

I have addressed this with Senator HEINZ' staff, and it is my intention to try to see if we can keep that working group going. It is my further intention—and I am having a bill drafted for this purpose—to suggest to the Senate and to the Congress that we ought to have an award similar to that which we created for former Secretary of Commerce, Malcolm Baldrige, in terms of productivity, an award that would reflect a desire to put Congress behind initiatives in the private sector to deal with this competitiveness problem in critical technology areas. I suggest that obviously would be called the Heinz Award. I hope that many of the Members of the Senate on both sides of the aisle will decide to join and pursue this goal of my friend who is now departed.

As I said, it is with great regret that I come to the floor and find that traditional flower arrangement. John Heinz is going to be missed in many ways. It is obvious that I am going to miss him as a friend.

Thank you very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, a parliamentary inquiry. It is my understanding that the Senate is in morning business.

The PRESIDING OFFICER. That is correct.

Mr. REID. Is there any limit on the amount of time that a Senator may speak?

The PRESIDING OFFICER. Morning business allows for 5 minutes.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to make a statement that would extend until the hour of 2:10, and that morning business be extended until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 801 and S. 803 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DIXON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN HEINZ

Mr. MURKOWSKI. Mr. President, there have been many eloquent statements today on the floor. Having been in this body for approximately 11 years, I, too, have had the opportunity to enjoy a very, friendly, and close relationship with our late colleague from Pennsylvania. I had an occasion just a few months ago to travel from Salt Lake City to Washington with the late Senator Heinz. After our arrival in Dulles International Airport I gave him a ride to his residence in Georgetown. We had an opportunity to chat, which unfortunately we seldom do in this body, in the informality we had during that half-hour drive.

John was a unique individual who by chance of birth came from a wealthy heritage. But he was the type of individual who had unique qualities of warmth and interest; interest in those who were less fortunate than he.

Ours was a friendship I will always regard with personal emotion, a relationship with a close friend. It is very difficult in these moments to express my sentiments over the loss of a colleague other than to say John left an extraordinary mark on the U.S. Senate, an extraordinary mark on his State of Pennsylvania, and of course, on his city of Pittsburgh.

It was best, described by a billboard as we left Pittsburgh yesterday that said, "In memorial to Senator John Heinz." That is something one does not very often see, but I think it expressed the feeling, the gratitude for the contribution John gave to his State and his community and to his country.

We also lost a good friend, the late Senator Tower last week. Indeed, these sudden losses bring about a time of reflection. I think the Easter season provides a time for renewal, a time for reflection, and is, of course, a time for joy in the new life we see around us.

My tribute to my colleagues is one that is probably best held within my heart.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, might I inquire: Are we in the hour of morning business?

The PRESIDING OFFICER. We are in morning business, the Senator is advised.

JOHN HEINZ AND JOHN TOWER

Mr. BURNS. Mr. President, yesterday many of us flew back from Pittsburgh, PA, after attending the funeral of a very dear colleague of ours. Of course, all of our sympathies and love and prayers go out to Teresa and John IV and Andre and Christopher. But I think we all got a rude awakening yesterday as we listened to the words of the senior Senator from Missouri [Mr. DANFORTH]. I thought John Heinz would understand that those of us who benefit so greatly from the freedoms and opportunities available to us in this great country have an obligation to give back to our country what it has given us.

John Heinz was a giver. He did not have to go into politics. He did not have to fly around in twin-engine aircraft. We all do too much of that.

Looking back, you could say it is unimportant, the trip was unimportant, but at the time it was important.

Yes, on Monday, I attended the funeral of former Senator John Tower. Our condolences, Phyllis' and mine, go out to Jeanne and Penny.

When I first came to the Senate, I did not know Senator Tower. But when his confirmation vote became the first tough vote I had to look at, I took the time to know him before I supported his nomination.

His record in this body and this Government on defense issues is unparalleled, and his leadership on the Senate Armed Services Committee, until his retirement from the Senate in 1985, was clearly seen in the successes of liberating Kuwait.

This is funny business. We fly too much; we travel too much. Maybe the love for this great country gets us into a problem every now and again.

I would like to remember two people, who traveled this same road, who touched my life. Both perished in plane crashes while in public service. I think back to the campaign of 1988, when the Secretary of State, Jim Waltermire, in the State of Montana, was campaigning in the Republican primary for Governor of our State. Our paths crossed many times, because I was running in that same primary for the seat that I now occupy. Jim died in a crash as he approached the airport in Helena, the State capital.

The second one was former Missouri Sixth District Representative Jerry Litton. A lot of folks maybe do not remember Jerry, because it has been a while, back in 1976. We are sort of shirttail relations, because both of us had our comeuppance, so to speak, in Daviess County, MO; both active in Future Farmers of America; one of the bright and shining stars of politics, not

only in the State of Missouri, but nationally.

I must also mention the families of those who perished in the Heinz plane, in the helicopter and commuter plane, and, yes, those young kids in the schoolyard. You are not alone throughout this grief. Phyllis and I, my wife and I, share it with you, and our prayers go out to you. Our loved ones who leave us in death are not forgotten, but remembered.

What President Jimmy Carter said at the death of Jerry Litton and his family is perfect for those who we have lost this week:

When they shall die, take and cut them up into little stars, and they shall make the heavens so fine that all the world will be in love with the night.

It has been a tough week.

THE FEDERAL PROGRAM PERFORMANCE STANDARDS AND GOALS ACT

Mr. BURNS. Mr. President, as we turn to more pressing matters of this Congress and this Government, Mr. President, one of the most pressing challenges that we face is getting our house in good fiscal order.

I am pleased to be a cosponsor of legislation introduced by my good friend, the distinguished Senator from Delaware, Senator ROTH, that will allow us to take a look at the giant step in that direction, S. 20, the Federal Program Performance Standards and Goals Act. It requires that a measurable performance be established for all Federal programs.

Frankly, after having only spent 2 years in this Congress, this bill is long, long overdue. The way our system works now, we determine how much money each Federal program will get, but we do not bother with setting standards and goals as to what we expect in return for our dollars invested, and that does not make any sense at all.

Knowing how money is spent is not the same as knowing if it is well spent. We need a mechanism which allows us to define, identify, and eliminate not only waste, but also mismanagement by the Federal Government. And I know most of us could write a book in that respect.

If S. 20 becomes law, it will enable us to rein in Government waste and mismanagement. It will also greatly enhance our ability to determine those programs that are effective and should be continued, and those that are a waste of the taxpayers' money and should be cut completely and the program eliminated.

So I urge all my colleagues to join me in supporting this Federal Program Performance Standards and Goals Act. I think it is incumbent on each and every one of us in this body now to get down to the business of making sure

that our money is well spent. We owe it to our taxpayers; we owe it because it is the responsible thing to do, to get this Federal budget deficit under control.

Pol this country any way you want. The No. 1 thing the American people are telling us about is the problem of deficit spending and the national debt. It is incumbent upon each and every one of us to work to that end.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the submission of Senate Resolution 98 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

TRIBUTE TO DON SARFF

Mr. METZENBAUM. Mr. President, it is with deep sadness that I rise today to pay tribute to a member of my staff who passed away recently. Don Sarff, my chief caseworker had been a member of my staff since I first came to the Senate in 1977.

Don came to the Senate at a time when only six of our current colleagues were serving in the Senate. Starting 27 years ago with former Utah Senator Frank Moss, Don began his career on Capitol Hill as a caseworker. He remained with the Senator from Utah for 6 years and then took a position with the Senate Committee for Post Office and Civil Service. When I came to the Senate in 1977, Don joined my staff as chief caseworker.

As many of my colleagues will attest, a Senator's activities are not limited to simply legislating, but helping people. As chief caseworker in a congressional office, Don Sarff understood my desire to provide any assistance that I could to any Ohioan requesting help. He met each request with the same determination to help those in need. For it was not unusual to find Don in the office 6 days a week. For Don Sarff, a 60-hour work week was standard. For Don, results counted. Helping people counted.

For those people who had the privilege of knowing Don, they knew that he didn't seek the solution to a problem for the sake of the remedy, but

that he solved problems because he cared about the person and he truly wanted to help. Don excelled in finding solutions to difficult problems, yet he was modest about his achievements. He helped bring a Chinese infant to the United States after seemingly unsurmountable difficulties with the State Department. A picture hangs in my office, sent to me as a token of gratitude from the family.

While thousands of people were helped by Don through his work, his selfless efforts on behalf of others extended to those around him. When Don was working for Senator Moss, a young woman who had just started working in his office needed to leave to make funeral arrangements for her deceased husband's funeral whom she had recently separated. New to the office and alone, without money to pay for the trip, this woman had no one to turn to. It was Don Sarff who came forward and offered his credit card so that she could pay for the trip. Somehow, Don was always able to offer the advice or assistance that seemed to matter the most.

Don was always dependable, a person I could turn to in a pinch. A staffer Sherri Levy remembered how she was in the hospital recovering from surgery, longing for a Coke. When Don came to visit, he came with a Coke in his hand. When members of my staff foolishly forgot to bring a necktie to work, Don always seemed to have a cache of available ties. As I'm sure that his wife Rita can attest, Don's generosity knew no bounds.

As we cherish Don in our memories, we will remember him for his sensitivity, his compassion, his good nature, and his patience. Yet above all, Don Sarff will remain a lasting image in our memories because of his desire to help people. For when it came down to it, Don Sarff was about helping people.

UNITED STATES REPORTER FRANK SMYTH STILL MISSING IN IRAQ

Mr. CRANSTON. Mr. President, I rise today to express my deep concern about the plight of Frank Smyth, a freelance reporter on assignment for CBS News, and three other journalists who have been missing for the last 2 weeks in Iraq.

Smyth, Frenchman Alain Buu, a photographer for the Gamma agency; Gad Schuster Gross, a German Newsweek reporter, and BBC correspondent Nicolas Dellacasa were last seen in Kirkuk on March 27. They were part of a group of more than four dozen journalists who traveled in mid-March to Iraq from Turkey to report on the Kurdish uprising.

Smyth, a graduate of the Johns Hopkins School of Advanced International Studies in Washington, DC, is well known for his enterprising reporting from El Salvador, where he worked for

several years. His work often provided fresh insight to the situation in that troubled country and he frequently visited Capitol Hill to share his perspectives.

My office has consulted with both the State Department and the New York-based Committee to Protect Journalists concerning these disappearances. Unfortunately, no concrete information seems to be available.

I urge Secretary of State Baker and the United States authorities based in southern Iraq to continue to bring this issue to the attention of the Iraqi Government. I hope the State Department will make the task of locating these journalists and assuring their well-being a priority in the coming days and weeks.

SUPPORT FOR CRANSTON-MOYNIHAN WAR CRIMES BILL GROWS

Mr. CRANSTON. Mr. President, the scenes of horror and human suffering emanating from Iraq have served as a fresh reminder—as if any were needed—of why the comparison of Saddam Hussein to Hitler was an apt one.

The plight of the Kurds has shown us the extent to which President Bush's call for a new world order has been ignored by the White House itself.

The hope offered by the administration's apparent promise of international order through strict observance of international law has foundered on the shoals of a geostrategic view of the world divorced from our own best instincts as a people.

The policy, noted David S. Broder in yesterday's Washington Post, shows "something of the character of this President, who has demonstrated over and over again that he is ready to 'rise above principle' when it collides with power realities."

Fortunately this policy of calculated callousness has been met with cries of outrage from our colleagues, Democrat and Republican alike. Half a million men and women from our Armed Forces did not risk everything in the Persian Gulf to restore the Kuwaiti monarchy.

Nor was their sacrifice made so that they could now sit idly by as Saddam's military henchmen—whose troops broke ranks and surrendered by the tens of thousands when confronted by a real army—turn their vengeance on innocent old people, women, and children in Basra, Kurdistan, and scores of forgotten towns that are known to us now only because of their suffering.

Mr. President, it is clear that Congress must make itself heard to ensure that that moment of unity and sense of higher national purpose that characterized our battlefield victory over Saddam is not lost to us now.

On Tuesday, my good friend and distinguished colleague, the Senator from Rhode Island [Mr. PELL], took an im-

portant step in this direction by convening a hearing in the Foreign Relations Committee he ably heads, to look at the issue of war crimes.

Perhaps the administration was too busy denying its own role in encouraging the Kurdish rebellion, then leaving these valiant partisans twisting slowly in the wind, to have sent a representative to the hearing. Or perhaps someone over at Foggy Bottom remembered President Bush's March 7 address to the joint session of Congress, where he declared that:

It's time to put an end to micromanagement of foreign and security assistance programs, micromanagement that humiliates our friends and allies and hampers our diplomacy.

Whatever the case, there were no administration witnesses; they were, apparently, speechless. Instead the committee was treated to the wise and eloquent words of Nobel Laureate Elie Weisel, as well as to the well-informed counsel of two international legal scholars, Robert Woetzel, president of the Foundation for the Establishment of an International Criminal Court, and Anthony D'Amato, international law professor at Northwestern University.

One of the bills which was discussed was the Cranston-Moynihan War Crimes Prevention Education Act of 1991.

Our bill would cut off all foreign assistance except for humanitarian aid to any government that commits gross violations of international standards governing the conduct of armed conflict. I realize that this bill does not cover all the situations foreseen in the Geneva Conventions, only those involving situations of armed conflict, but this, of course, is what we are concerned with today.

The bill also does something more. It would make American security assistance conditional on the recipient governments teaching the Geneva Conventions and other relevant rules of war to all its military personnel.

According to Dr. D'Amato, the Cranston-Moynihan bill "supplies an important missing element to the very progressive legislation * * * on the books prohibiting assistance for countries that violate fundamental human rights."

In a similar vein, I would like to point out that the Cranston-Moynihan bill has been endorsed by two prestigious human rights groups, the Human Rights Watch and the Washington Office on Latin America.

In a letter to my office, Kenneth Roth, deputy director of the Human Rights Watch, said that our war crimes bill is viewed by his office "as an important effort to ensure that the United States does not, through the provision of foreign assistance, become a party to systematic violations of inter-

national humanitarian law, or the laws of war."

The State Department, he noted, "has implicitly recognized the importance of guiding U.S. foreign policy not only by reference to international human rights law but also by reference to international humanitarian law when, 2 years ago, it began including a section on violations of the laws of war in its annual Country Reports on Human Rights Practices. However, no comparable change has been made in the legislation guiding U.S. foreign assistance."

Mr. President, once again I urge my colleagues to reaffirm our commitment to an international order based on international law by supporting the Cranston-Moynihan bill.

I ask unanimous consent that a statement of mine that was entered into the record of the Foreign Relations Committee hearing Tuesday be now entered into the RECORD. I also ask that the letters of support I have received from the Human Rights Watch and the Washington Office on Latin America, together with a paper on war crimes written by American University legal scholar Robert K. Goldman, be entered into the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON WAR CRIMES, U.S. SENATOR ALAN CRANSTON, SENATE FOREIGN RELATIONS COMMITTEE, APRIL 9, 1991

The brutal suppression of anti-regime insurgents in Iraq and Kuwaiti reprisals against Palestinians and other foreigners in the wake of the allied victory show that the issue of war crimes—and what to do about them—is not going away.

The terrible reports of criminal brutality against Kurdish civilians and Shiite dissidents in Iraq, in particular, show that more concerted efforts by nations are needed if the 1949 Geneva Conventions are going to work.

The current campaign by the Butcher of Baghdad against Kurdish freedom fighters is only the latest in a string of outrages committed by Saddam against both international standards of decency and the rules of the conduct of warfare.

Today's civilian massacres, a spectre of evil in and of themselves, are also an indictment of earlier failures to deal forcefully and convincingly with Saddam's brutality.

Both before and after Iraq's invasion of Kuwait last year, Saddam Hussein oversaw the massive violation of all civilized conduct regarding warfare.

The use of weapons of mass destruction against both Iraqi Kurds and against Iranian combatants; the rape of Kuwait and the unprovoked Scud attacks against Israel's civilian population; the abuse of American and other allied POW's—all these acts of barbarism reaffirmed the need for a new resolve in dealing with war crimes.

The general purpose of the Geneva Conventions and other rules concerning the conduct of warfare is to persuade nations that they should, in times of war, avoid certain inhumane acts while ensuring the performance of other fundamental guarantees.

The four Geneva conventions provide for the protection of the sick and wounded on land, the protection of the sick and wounded

at sea and of those who become shipwrecked, the treatment of prisoners of war, and the protection of civilians in times of war.

Currently U.S. aid is conditioned on a country's respect for human rights and its nonsponsorship of terrorism.

There is, however, a gaping hole in our foreign assistance legislation. There are no explicit provisions for a cutoff of assistance for those countries which commit war crimes.

Last month I introduced, together with Senator Daniel Patrick Moynihan, a bill—the "War Crimes Prevention Education Act"—that would plug this gap.

My bill would cut off all foreign assistance except for humanitarian aid to any government that commits gross violations of international standards governing the conduct of armed conflict.

The bill would also make American security assistance conditional on the recipient governments teaching the Geneva conventions and other relevant rules of war to all its military personnel.

They should be warned that orders by superiors to violate those rules are illegal and should be disobeyed. Following orders is no defense against war crimes.

As American University legal scholar Robert K. Goldman has noted, just as human rights legislation seeks to avoid this country's identification with governments that grossly violate internationally recognized human rights, the Cranston-Moynihan bill distances the United States from governments whose armed forces grossly violate fundamental guarantees of international humanitarian law.

The Gulf War should have taught us the lesson that the old idea—that "the enemy of my enemy is my friend"—is a false standard upon which to base our foreign policy. It was part of our Cold War strategy, and it didn't work very well then either.

Because Saddam was the enemy of our enemy, Iran, in the 1980s, we helped him help himself to our technology, our financial credits and even our intelligence.

Had the Cranston-Moynihan war crimes bill been law then, we would have stopped aiding in the 1980s a country we went to war against in 1991.

We would have disassociated America's good name and international standing from Iraq at a time when the Kurds and the Iranians were slaughtered by Saddam's weapons of mass destruction.

And it would have served as a signal that not only does the United States expect compliance with the Geneva Conventions governing armed conflict by our own troops, but also by those receiving our security assistance.

Just how seriously we take war crimes, however, is not just a matter of legislation. It also requires leadership.

The brave partisans in the mountains of Kurdistan and in the streets of Basra deserved better than they received from us.

Under the 1949 Geneva Conventions we are responsible, as a party to this conflict, to assure that the victims of the conflict are treated humanely and cared for to the best of our ability.

That is an international legal responsibility, I fear, that the U.S. government has not adequately met, particularly in the case of the Kurds and other ethnic rivals to Saddam.

One is left with the impression that the events of the last weeks is nothing less than a sad repetition of those in Budapest in 1956.

Only a few short weeks ago we and our allies were talking about bringing Saddam up on war crimes charges.

Now the question seems to be shifting to: Can we deal with an Iraqi Government still led by Saddam and his military henchmen?—with the implication being that the answer might be, yes.

The answer in keeping with our best selves and with our own outrage about war crimes should be, no.

HUMAN RIGHTS WATCH,
Washington, DC, April 9, 1991.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: I write on behalf of Human Rights Watch in response to your office's request for comment on the War Crimes Prevention Education Act of 1991. We view the bill as an important effort to ensure that the United States does not, through the provision of foreign assistance, become a party to systematic violations of international humanitarian law, or the laws of war.

Human Rights Watch has long affirmed the importance of Section 502B of the Foreign Assistance Act of 1961, which denies security assistance to governments that systematically commit gross violations of human rights—an often critical tool for pressuring abusive governments to respect human rights and for ensuring that the United States does not facilitate abuses through the provision of material support.

In times of war, however, Section 502B is hampered in its application by the limited scope of international human rights law. While warfare is no excuse for a government to ignore the nonderogable provisions of human rights law, human rights law as a practical matter often provides inadequate guidance to the soldier in the field. For example:

The "right to life" and the right not to be "arbitrarily deprived of [one's] life," contained in Article 6 of the International Covenant of Civil and Political Rights, does not supply the detailed rules contained in the laws of a war on who is an appropriate target for military attack and what are appropriate means for carrying out such attacks.

The prohibition against "arbitrary arrest and detention" set forth in Article 9 of the Covenant does not provide the type of specific safeguards contained in the Third Geneva Convention of 1949 on the treatment and release of prisoners of war.

International human rights law contains nothing akin to the provisions of the 1949 Geneva Conventions protecting medical and religious personnel, prohibiting the perfidious use of a Red Cross emblem, and proscribing the forced induction of prisoners of war into enemy armed forces. Nor does it include the prohibitions on the use of chemical weapons that are found in the laws of war.

Traditional human rights law, because it is addressed only to governments, does not speak to abuses committed by rebel forces in times of internal armed conflict, as does common Article 3 of the 1949 Geneva Conventions.

The State Department has implicitly recognized the importance of guiding U.S. foreign policy not only by reference to international human rights law but also by reference to international humanitarian law when, two years ago, it began including a section on violations of the laws of war in its annual Country Reports on Human Rights Practices. However, no comparable change has been made in the legislation guiding U.S. foreign assistance.

The proposed legislation is an important step toward remedying this significant

shortcoming. It would encourage instruction in the laws of war, so that soldiers under the strain of combat would be more prone to abide by its safeguards. And it would send a clear signal, be it to tomorrow's Saddam Hussein or to abusive rebel leaders, that the critical norms of international humanitarian law—norms which in the form of the 1949 Geneva Conventions have been ratified by 165 nations—cannot be systematically flouted by those who hope to benefit from U.S. largesse.

Respectfully yours,

KENNETH ROTH, Esq.,
Deputy Director,
Human Rights Watch.

WASHINGTON OFFICE ON
LATIN AMERICA,
Washington, DC, April 3, 1991.

Senator ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: I write to express the full support of the Washington Office on Latin America (WOLA) for the amendment you have proposed to the Foreign Assistance Act of 1961. This bill—the War Crimes Prevention Education Act of 1991 which adds international humanitarian law protections to the human rights guarantees already codified in the Foreign Assistance Act—takes an important step forward in assuring respect for human rights in U.S. foreign policy.

International humanitarian law provides critical protection of fundamental rights in situations of armed conflict where criteria additional to those of international human rights conventions are needed. All human rights, even the most basic rights of physical integrity, are most vulnerable in situations of armed conflict from international war to civil war to an insurgent threat to the state. This legislation recognizes that reality, and expands and deepens the United States commitment to the fundamental values represented in both international human rights law and international humanitarian law.

ALEXANDER WILDE,
Executive Director.

CHARACTERIZATION AND APPLICATION OF INTERNATIONAL HUMANITARIAN LAW IN NON- INTERNATIONAL AND OTHER KINDS OF ARMED CONFLICTS¹

I. SITUATIONS OF INTERNAL TENSIONS AND DISTURBANCES

Examples of such situations are riots, such as demonstrations without a concerted plan from the outset; isolated and sporadic acts of violence, as opposed to military operations carried out by armed forces or armed groups; other acts of a similar nature, including, in particular, large scale arrests of persons for their activities or opinions. Serious situations of internal tensions (which can be the sequels of armed conflict or internal disturbances) typically have one or more of the following characteristics: large scale arrests; a large number of political prisoners; probable existence of ill-treatment or in-human conditions of detention; the suspension of fundamental judicial guarantees and allegations of disappearances.

Internal tensions and disturbances are not presently governed by international humanitarian law as they are covered by universal and regional human rights instruments. However, the ICRC has a legally recognized

¹ Prepared by Robert K. Goldman, Professor of Law and Louis C. James Scholar, Washington College of Law, the American University.

right of initiative to offer its services to assist and protect the victims of such situations.

II. INTERNAL ARMED CONFLICTS DEFINED IN COMMON ARTICLE 3

A. Material Field of Application

Article 3 simply refers to, but does not actually define, "an armed conflict of a non-international character." In fact and practice, it is applicable to low intensity open, armed confrontations between relatively organized armed forces or armed groups occurring exclusively within the territory of a particular state. Thus, article 3 does not apply to a mere act of banditry or an unorganized and short-lived rebellion. Article 3 typically applies to armed strife between governmental armed forces and organized armed insurgents. It also applies to cases in which two or more armed factions within a country confront one another without the involvement of governmental forces when, for example, the established government has dissolved or is too weak to intervene.

The application of article 3 is automatic as soon as a situation of armed conflict exists. It imposes fixed legal obligations on the parties to an internal conflict for the protection of persons *not*, or no longer, taking an active part in the hostilities. Unlike human rights law, which restrains violations inflicted only by a government and its agents, the obligatory provisions of article 3 expressly bind both parties to the conflict, i.e., government and insurgent forces. Moreover, the obligation to apply article 3 is absolute for both parties and independent of the obligation of the other party.

Significantly, article 3 is the only provision of the four Geneva Conventions that directly applies to internal armed conflicts. The parties to such a conflict have no legal obligation to implement, enforce, or comply with the highly developed protections of the other articles of the Conventions that apply solely to an international armed conflict.

The government, therefore, is *not* obliged to accord its armed opponents prisoner of war status because insurgents do not have the combatants' privilege. Moreover, article 3 in no way precludes a government from punishing these persons for the commission of crimes under its domestic laws. Thus, the government can try captured insurgents who kill government soldiers for murder, treason, sedition, and other violent acts. Such trials must be conducted in accordance with the standards set forth in article 3. To ensure that the application of humanitarian guarantees in article 3 by the government is *not* legally construed as recognition of the insurgents' belligerence, the article unequivocally states that application of its provisions does not affect the legal status of the parties to the conflict. Moreover, the ICRC is expressly empowered to offer its services to the warring parties to assist and protect the victims of the conflict.

B. Protection of the Civilian Population Under Article 3

Unlike treaty law governing international armed conflicts, article 3 contains no rules regulating the means and methods of warfare. In addition, the terms "civilian" and "combatant" do not appear in any of the provisions of article 3. Although article 3 does *not* provide explicit protection for the civilian population from attacks or their effects, its prohibition of "violence to life and person" against "persons taking no active part in the hostilities" may be broad enough to encompass attacks against civilians in territory controlled by an adverse party in

an internal armed conflict. The primary purpose of article 3, however, is to absolutely insure humane treatment of those persons who do *not* or no longer actively participate in the hostilities when they are in the power of a party to the internal conflict. Such persons are entitled to humane treatment without adverse distinction.

Persons protected by article 3 include members of both government and dissident forces who surrender, are found wounded, sick, or unarmed, or are otherwise captured by the other side. Individual civilians are similarly entitled to the guarantees contained in article 3 when they are captured by or subjected to the power of a warring party, even if they had fought for the opposing party, or indirectly participated in the hostilities by providing either party with food or other logistical support. Under these circumstances, if these persons die as a result of execution or torture inflicted by a party to the conflict, their deaths are tantamount to homicide.

III. CUSTOMARY INTERNATIONAL LAW APPLICABLE TO INTERNAL ARMED CONFLICTS

Although article 3 does *not* by its terms prohibit attacks against the civilian population in non-international armed conflicts, such attacks are prohibited by the customary laws of armed conflict. United Nations General Assembly Resolution 2444, "Respect for Human Rights in Armed Conflicts" (United Nations Resolution 2444), adopted by unanimous vote on December 19, 1969, expressly recognized this customary principle of civilian immunity and its complementary principle requiring the warring parties to distinguish civilians from combatants at all times. The preamble to this resolution clearly states that these fundamental humanitarian law principles apply "in all armed conflicts," meaning both international and internal armed conflicts. Furthermore, the ICRC has long regarded these principles as basic rules of the laws of war that apply in all armed conflicts. The United States government also has expressly recognized these principles as declaratory of existing customary international law. These principles, therefore, constitute legal obligations for all the parties to internal conflicts.

IV. INTERNAL ARMED CONFLICTS AS DEFINED IN PROTOCOL II

A. The Protocol's Material Field of Application

Article 1, Paragraph 1 of Protocol II limits that instrument's application to a non-international armed conflict, "which takes place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol."

Protocol II develops and supplements article 3 without modifying that article's existing conditions of application. Thus, in those conflicts satisfying the conditions for its application, Protocol II applies cumulatively and simultaneously with article 3 because the scope of Protocol II is included in the broader scope of article 3. Protocol II's threshold of application, however, is both different from and clearly above that of article 3. Protocol II introduces objective qualifications *not* found in article 3, such as the requirements that a state party's armed forces must participate in the conflict and that dissident armed forces or other organized armed groups must exercise control over a part of its territory. In fact, control of

part of the territory by opposition forces must exist for the Protocol to apply. And, that control must be sufficient to enable the rebels to carry out "sustained and concerted military operations" and to apply the Protocol. The rebels, in short, must be able to detain prisoners, treat them humanely and give adequate care to the wounded and sick. These criteria are principally designed to limit the application of Protocol II to serious cases of rebellion. Thus, the objective conditions that must be satisfied to trigger the Protocol's application contemplate a situation of civil war essentially comparable to a state of belligerency under customary international law.

As with article 3, application of Protocol II neither implies recognition of or modifies the legal status of the rebels. Members of armed forces or groups captured by the adverse party are *not* entitled to prisoner of war status, but must be given the fundamental guarantees of humane treatment and judicial guarantees set forth in articles 4 and 6 of the Protocol. Further, unlike article 3, Protocol II expressly accords the civilian population and individual civilians general protection against direct attacks and inferentially protect them and civilian objects from indiscriminate or disproportionate attacks as well. Application of Protocol II in no way affects the ICRC's right under article 3 to offer its services to the warring parties to assist and protect the victims of the conflict.

V. INTERNATIONALIZED INTERNAL ARMED CONFLICTS

An "internationalized" non-international armed conflict is a civil war characterized by the intervention of the armed forces of other states on behalf of opposing parties to the civil war. The present state of humanitarian law is unclear and problematical regarding such conflicts. This is largely because the law of war is based on an artificial distinction between international (interstate) armed conflicts and non-international (internal) armed conflicts, with different rules. States have rejected attempts to graft all the law of international warfare on civil wars with foreign intervention. Such conflicts are thus hybrids without being governed entirely by either body of law.

A. Internal Armed Conflict Relationships

The solution followed by most international lawyers has been to break down the armed conflict into its international and domestic components and, based on this differentiation, to identify the humanitarian law rules governing relations between the warring parties. For example, suppose there is a civil war in country X with the armed forces of country Y fighting on the side of government troops and those of country Z on the side of the rebels. Applying this approach to the conflict in country X, it is possible to identify the following distinct relationships. As between the original parties to the civil war, the government of country X and the rebels, the armed conflict, despite foreign intervention, remains non-international in character. Relations between government and rebel forces are governed by common article 3, customary international law applicable to internal conflicts and Protocol II if country X has ratified it.

Although the presence of soldiers of country Y fighting beside government troops unquestionably gives an international dimension to the conflict in country X, this fact does *not* make that conflict international in nature as between country Y and the local rebels. The same internal armed conflict

rules must be applied and observed by country Y and rebel combatants. Thus, the government of country X, and its allies from Y are not obliged to grant captured rebels prisoner-of-war status. Similarly, government and country Y combatants who are captured by the rebels need not be accorded this status.

B. International Armed Conflict Relationships

A different set of humanitarian law rules, however, governs relations between government X troops, its allies from country Y and troops from country Z. Under article 2 common to the four Geneva Conventions, an international armed conflict must involve a declared war or, in its absence, any other armed conflict between two or more states.

The conditions for an interstate armed conflict are met in country X as between country Z and the government of X since Z has intervened directly with its armed forces on the side of the rebels there. In addition, country Z and country Y should also be regarded as adverse parties in this international conflict. Accordingly, the entire law of international armed conflict governs the conduct of hostilities among the troops of countries Y and Z and those of the government of X. Specifically, this includes the four 1949 Geneva Conventions and its 1977 Protocol I (only for ratifying states).

As a consequence of their participation in an international armed conflict, the governments of countries X, Y and Z would be required to grant in conformity with the third Geneva Convention prisoner-of-war status to captured combatants. Further, troops of government X who are captured by country Z combatants should also be granted this status. They should not be handed over to the rebels who might consider them nationals in a rebellion and, thus, ineligible for prisoner-of-war status.

In several such hybrid conflicts in the past, the ICRC has called on all the parties militarily engaged in the conflict to respect international humanitarian law and to allow it to carry out its traditional tasks of protection and assistance under the Geneva Conventions.

VI. INTERNATIONAL ARMED CONFLICTS

Under article 2 common to the four 1949 Geneva Conventions, an international armed conflict, by definition, must involve a declared war at the very least, or, in its absence, any other armed conflict between two or more states. The official commentary to the Conventions broadly defines armed conflict as any difference between two states leading to the intervention of armed forces.

In contrast to internal armed conflicts, the Geneva Conventions in their entirety and 1977 Protocol I govern international armed conflicts and have mandatory provisions for the enforcement and implementation of their norms. These include supervision by protecting powers on an impartial humanitarian body, such as the ICRC, state responsibility for breaches of these norms, and individual responsibility for "grave breaches" that are made universal crimes within the jurisdiction of all parties to the Conventions and Protocol I.

BREAKTHROUGH IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, a promising breakthrough has occurred in recent weeks in the long stalemate over Northern Ireland. An agreement has been reached to hold all-party

talks on the three key relationships involved in the conflict—the relationships between the Protestant and Catholic communities in Northern Ireland, between Northern Ireland and the Republic of Ireland, and between Great Britain and Ireland.

The agreement to hold the talks was made by the Irish Government, the British Government, the Social Democratic and Labour Party, the Alliance Party of Northern Ireland, the Democratic Unionist Party, and the Official Unionist Party in Northern Ireland.

At a time when peaceful democratic revolutions are transforming Eastern Europe, and when the European Community is moving toward 1992 and greater integration and cooperation, it is more important than ever to achieve progress in Northern Ireland and end the violence and confrontation that have now claimed nearly 3,000 lives. The goal of a peaceful and prosperous future for all citizens of Northern Ireland is within reach at last. I hope that 1991 will be the year in which it is achieved.

A great deal of credit for this breakthrough goes to Mr. Peter Brooke, Britain's Secretary of State for Northern Ireland, who has worked tirelessly and painstakingly with all the parties over a period of 14 months to put together this agreement. I commend Mr. Brooke for his achievement, and I ask unanimous consent that statements by Mr. Brooke and the Irish Government may be printed in the RECORD, as well as articles in *The Irish Times* by Mr. John Hume, leader of the Social Democratic and Labour Party, Mr. James Molyneux, leader of the Official Unionist Party, and Mr. Peter Robinson, deputy leader of the Democratic Unionist Party.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE SECRETARY OF STATE FOR NORTHERN IRELAND, THE RIGHT HONORABLE PETER BROOKE MP, MARCH 26, 1991

Mr. Speaker, I am pleased to be able to inform the House that, following extensive discussions with the main constitutional parties in Northern Ireland (the Alliance Party of Northern Ireland, the Social Democratic and Labour Party, the Ulster Democratic Unionist Party and the Ulster Unionist Party) and with the Irish Government, a basis for formal political talks now exists. I frankly acknowledge to the House that this would not have been possible without the goodwill and determination of the Northern Ireland parties and the helpful and constructive approach taken by the Irish Government. The stated positions of all these parties are well known. Her Majesty's Government reaffirms its position that Northern Ireland's present status as a part of the United Kingdom will not change without the consent of a majority of its people.

The endeavour on which we have all agreed to embark is an ambitious one. We are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. While a successful outcome

cannot be guaranteed in advance, I am confident that all the potential participants are committed to a forward-looking and constructive approach. For their part, the two signatories of the Anglo-Irish Agreement—the British and Irish Governments—have made clear that they would be prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned.

To allow an opportunity for such a wider political dialogue the two Governments have agreed not to hold a meeting of the Anglo-Irish Conference between two pre-specified dates. All of the parties concerned will make use of this interval for intensive discussions to seek the new and more broadly based agreement which I have just described.

As the Conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.

It is accepted that discussions must focus on three main relationships: those within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; among the people of the island of Ireland; and between the two Governments. It is common ground between all the parties that hope of achieving a new and more broadly based agreement rests on finding a way to give adequate expression to the totality of the relationships I have mentioned.

Talks will accordingly take place in three strands corresponding respectively to the three relationships. Some arrangement will be needed for liaison between the different strands of these complex discussions. All the Northern Ireland parties will participate actively and directly in the North-South discussions. The Unionist parties have made clear that they wish their participation in those talks to be formally associated with my presence and that they will regard themselves as members of the United Kingdom team.

It is accepted by all those involved that, so as to make full use of the interval between meetings of the Conference to achieve an overall agreement satisfactory to all, it will be necessary to have launched all three sets of discussions within weeks of each other.

A first step towards getting related discussions under way in all three strands will be the opening, as soon as possible, of substantive talks between the parties in Northern Ireland under my chairmanship. These will commence with a round of bilateral meetings before moving on, as soon as possible, into plenary sessions. It has been agreed by all the participants that before long, when, after consultation, I judge that an appropriate point has been reached, I will propose formally that the other two strands should be launched. My judgment as to timing will be governed by the fact that all involved have agreed that the three sets of discussions will be under way within weeks of each other.

The internal talks, like the talks in the other strands, will follow a demanding and intensive schedule. In order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships including constitutional issues, or any other matter which it considers relevant. All concerned have assured me that they will participate in good faith and will make every effort to achieve progress.

It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole and that confidentiality will be maintained thereunto. However, in the final analysis the outcome will need to be acceptable to the people.

STATEMENT BY THE GOVERNMENT OF IRELAND
ON ANGLO-IRISH RELATIONS, MARCH 26, 1991

The Government are extremely pleased that a basis now exists for the launch of political talks focussing on the totality of relationships within and between these islands.

The commitment and perseverance of all involved has kept the prospect of talks alive over these past fourteen months. The Government pay tribute to the personal qualities of the Secretary of State for Northern Ireland, Mr. Brooke, and also to the combination of realism and vision displayed by the political leaders in Northern Ireland.

Without wishing to minimise the differences in positions, the Government believe there is now a genuine sense of common purpose among all the participants. As the Secretary of State said in the House of Commons today, we are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland, and between the peoples of these islands. This shared appreciation of the nature and scope of the exercise undoubtedly helps to strengthen the prospects of a positive outcome to our endeavours.

Throughout these past fourteen months, the Government's concern has been to establish the soundest possible basis for talks and one which would be conducive to a successful outcome to the process. We shared the conviction that, unless the structures were right, the risk of failure of the substantive talks would be very high. It is for this reason that the two Governments—and indeed all the potential participants—have devoted so much time and attention to seeking to put proper structures in place.

The Government are acutely conscious that there is now a historic opportunity for both traditions on this island. Following decades of mistrust, agreement has been reached on the need for wide-ranging dialogue, where the full range of issues that divide and unite our two communities can be exhaustively explored. With goodwill and a constructive approach all round, there is potential for a qualitative leap forward in our relationship. Whatever the differences in perspective, and they undoubtedly exist, all of us in Ireland share the common objectives of peace, justice and prosperity for all our people.

The Government looks forward to a substantive and vibrant dialogue with Northern political leaders, when we will listen carefully to the views of all participants while contributing fully ourselves. Our sensitivity to Unionist concerns will go hand in hand with a forthright expression of the values and aspirations we share with Northern nationalists. We will seek to build for the future while ensuring that we do not put at risk what has been achieved and sustained over recent years.

Above all, it is the Government's hope that this sense of a new beginning will help to signal the end of the strife that has bedevilled Northern Ireland for so long. With the political process now offering the opportunity of a new way forward, the futility and irrelevance of violence must increasingly be apparent. Those who continue to give their support to campaigns of violence thereby exclude themselves from this process; the per-

manent cessation of such support must surely now be considered by all those who wish to participate in the building of a new, agreed Ireland.

Today's developments have brought renewed hope to people throughout this island. The Government are embarking on this ambitious exercise in a spirit of partnership, fully sharing the determination of all involved that our endeavours should prove worthy of the hopes invested in them.

[From the Irish Times, Mar. 27, 1991]

JOHN HUME'S VIEW: "WHOLE ISLAND MUST
VOTE ON ANY PACT"

Any agreement which might emerge from talks involving the nationalist and unionist parties, and the British and Irish Governments, should be put to the people in the North and South in simultaneous referenda, SDLP leader Mr. John Hume said in his January, 1989, interview with Frank Millar.

What he wanted to see from an all-round conference is the representatives of the "divided people of this island reaching an agreement on how they share the island. As to how they share the island would have to emerge from that conference table. That means that whoever goes to that table to represent the different sections of the people must be free to put on that table any proposal they wish," he explained.

"I think the first thing that would happen if such discussions started would be that it would transform the atmosphere in the island as a whole. The goodwill would be quite enormous, and a lot of the old prejudice might quickly be eroded because of the new atmosphere of good will. And we should also understand that the new atmosphere existed inside a wider world context and a wider European context, that both parts of Ireland have already committed themselves to . . . If agreement was reached I would have no doubt that it would have the approval of both sections."

Mr. Hume continued: "I am talking about a new settlement which addresses the central relationship that goes to the heart of our problem—the relationship between the unionist people and the rest of the people of the island. What I am saying is that that relationship should be settled to the mutual satisfaction of both. I would be very foolish, and so would they and so would anybody, before going to seek such a settlement at a table, to spell out in detail what the eventual outcome would be because that's not very good politics."

"What we should state are the objectives—that we want to reach agreement on how we share this island to our mutual satisfaction and having done so to ask the approval of the people who sent us to the table in the first place. What the details are of who we share the island must be details that emerge from such discussions. And it must also, of course, and I have always made clear and I think this is self-evident, that the relationships, that is, the central relationship, is that between the unionists and the rest of the island."

"There are other relationships as well that have to be addressed, that's become known as the totality of relationships. They've got to be addressed as well and they've got to be resolved to mutual satisfaction but the central one, the one that has never been addressed is the unionists and the rest of the island sitting down together. In the past, they have always tried to use the British to settle the relationships for them and I would put it mildly, not very successfully either."

Asked would a potential settlement have enormous implications for the Irish Constitution, Mr. Hume said that it was accepted by all parties in the Republic that any new settlement which involves the unionists and themselves would mean looking at the possibility of an entirely new constitution. "Most political leaders in the Republic have said time out of number that in the event of a settlement between themselves and the unionists they would not object at all to considering a new constitution," he said.

Asked from his relationship with the Taoiseach was he confident Mr. Haughey would endorse a new enterprise Mr. Hume replied that Mr. Haughey would be "very swift indeed to take up any opportunity of dialogue with the unionist people that could lead to a settlement of relationships between the unionist people and the rest of the people of this island."

Mr. Hume said that he was very keen to enter into dialogue with the unionist parties. The objective would be to ensure that there was no sacrifice of principle by any of the parties involved in their attitudes to the Anglo-Irish Agreement. "Our objective would be to seek an agreement and find an agreement that would transcend in importance any previous agreement ever made. I think that's a straight clear way to do it, and I think that the unionists don't abandon their mandated position by so doing."

The SDLP leader said that a real change had occurred in the North in that despite opposition, the British Government had not backed down in its support for the Anglo-Irish Agreement. "I am saying that for the first time since 1920 that vicious circle (of violence) is being broken down. A new fluidity has been created in the political arena which must be taken advantage of. And if it is taken advantage of and developed, then we will move towards a political solution that will eradicate all these other grievances which are symptoms of the problems. It is the duty of politicians like myself to keep their eye on the problem, and on ways of solving it."

Asked ultimately was it "a united Ireland or nothing," Mr. Hume said it depended on what one meant by unity. "All I am saying is what unity for me means—it means agreement on how we share the island. That is what unity actually means. Unity without agreement isn't unity at all, it's conquest and you are back to that. And what I am saying is that it is time for the representatives of the different traditions on this island to sit down together and decide how they're going to share this island, how they're going to protect their traditions in a manner that is satisfactory to both sides."

He went on: "Now that could be a hell of a long process of search, but that is the real search and that's the search we have got to be engaged in. It's easy to indulge in name calling, to say: 'Well, I don't trust you. The unionists don't trust me—fair enough, maybe I don't trust them. I don't have to trust them, and they don't have to trust me.'"

"What I have to do is to trust myself and what they have to do is to trust themselves to represent their own people, anywhere, with anybody else, and come to a settlement that protects their own people. And I have to say precisely the same thing: whether I trust Ian Paisley or not is irrelevant. What is important is whether I trust myself to be able to deal with him and produce solutions that are acceptable to the people I represent, and he has to do the same thing."

Mr. Hume said that there was a role in the search for agreement for every section of the

Irish people that has got an elected mandate provided they come to the search on the same terms as everybody else, armed with only their own convictions and their ability to persuade, but not with guns or bombs.

Asked what this meant in terms of Sinn Féin's links with the IRA, Mr. Hume said: "You can't expect anyone to sit around a table with somebody who reserves the right to pull a gun if he doesn't get his own way."

[From the Irish Times, Mar. 27, 1991]

JAMES MOLYNEUX'S VIEW: "REGIONAL ADMINISTRATIVE ASSEMBLY MOOTED"

A regional administrative assembly with shared responsibility and its own mechanism for a relationship with the Republic and a select House of Commons Committee examining the situation in Northern Ireland, were among the possibilities for future progress in the North which the Official Unionist Party leader, Mr. James Molyneux, considered when he was interviewed in February, 1989.

Mr. Molyneux indicated that he would be favourably disposed to such suggestions which would include the creation of an external affairs committee dealing with the Government in the Republic. He would also favour a high-powered House of Commons Committee scrutinising Northern Ireland business and that henceforth all legislation for the North would be enacted by way of Bill, rather than order-in-council.

The DUP leader said if such offers were made by the British Government they would accept them, but equally that was what the Conservative Party should have put in place in 1972 when they abolished Stormont. "They should have then started to say, 'we have now removed Stormont and rather than leave a vacuum we are now going to govern Northern Ireland like the rest of the United Kingdom, or near enough'," he added.

Mr. Molyneux said he was not opposed to the Anglo-Irish Agreement because it did not give unionists a position of dominance over Catholics: "I don't want to have a position of dominance over Roman Catholics. That may mean that I would have to make do with a level of government, and governmental mechanisms in Northern Ireland which didn't give the majority, as a majority, the entire influence in running the show."

He said he was not an integrationist any more than Enoch Powell was an integrationist, but people always wrongly assumed he wanted to run Northern Ireland like Surrey.

Mr. Molyneux said that the Anglo-Irish Agreement could not survive because it was conclusively proven that it was unworkable, and "what's far worse had done hideous damage to the whole structure of Northern Ireland... If the shackles of the Anglo-Irish Agreement were removed then the Ulster people—and by that I meant mainly the majority, but the minority would have a part to play—will then take their rightful place in seeking to end the ancient quarrel which has plagued the two nations for far too long."

He said that in recent times there had been a reduction in insults and verbal bombardment between the politicians North and South, and a corresponding reduction in "the controversies and slugging matches between, for example, the three main parties, ourselves, the DUP and the SDLP". The deep-seated differences were still there but outside of the agreement the ill-feeling between North and South was being gradually reduced.

Mr. Molyneux said that the British and Irish governments should go back before they launched on "this Exocet business of the Anglo-Irish Agreement" to the totality

of relationships within these islands which was not, as Mr. Hume seemed to be indicating, a singular thing—as in the relationship within this island. The agreement had done terrible damage towards making closer and unique "the relationship between our two peoples".

Solid progress was being achieved towards that relationship, but the process would take years, and not just weeks and months, he continued. "What I am pointing to is... I suppose the term might be a British-Irish agreement, going much wider than the present agreement, and I have given certain indications of how that could be shaped and then when we got to that, and within that framework, then things could start happening with Northern Ireland itself."

Where Mr. Hume was going wrong was in focusing everything on the island of Ireland. "That simply is not real, that simply is not what it is all about." Asked if an agreement which was negotiated between the parties could be put in simultaneous referendums North and South as suggested by Mr. Hume, and if it was accepted North and South what would he have to lose in such a situation, Mr. Molyneux replied: "Well, with great respect to Mr. Hume I can't understand that philosophy, and I can't see the validity of it."

"I can't see how you can have unified in one piece of land, just because it happens to be a self-contained island, people who regard themselves as Irish and other people who continue to regard themselves as British," he said. "How can you have a decision in some kind of agreement to share this island between British and Irish people other than the one we've got, which says the British will live broadly in Northern Ireland, and the Irish will live broadly in the South, with a large element of them admittedly in Northern Ireland. But that is the basic divide. That is the argument for two nations. It's an argument actually for the Border."

"The British and the Irish can live in the island, in opposite ends of the island, in a spirit of good neighborliness once the two nations, the two capitals if you like, have come to terms with each other, and have stopped getting in each others' hair. I think that is possible."

"But it comes back to that it is the British and the Irish co-existing in one island. It is not trying to say that, despite religious differences we are all Irish, nor is it true that if left alone we could work out how we are going to share the island. The stark fact is that I represent the British in Ireland, subject to the queen, who are going to go on regarding the queen as their sovereign, and they ideally want to live with their Southern neighbours who look to their President as the head of their State."

"And that is the only possible scenario, but there has got to be a movement away from that in the sense that they have got to do at ground level what I think we, the much maligned politicians, have done at a higher level, namely, we have managed to reduce the aggro and the slugging match between the opposite ends of the island."

[From the Irish Times, Mar. 27, 1991]

PETER ROBINSON'S VIEW: "HOW COMMUNITIES CAN CO-EXIST A PRIORITY"

The first essential in any solution to the North's problems is to work out how the two communities can live together in Northern Ireland, the deputy leader of the Democratic Unionist Party, Mr. Peter Robinson, told Frank Millar when he was interviewed in March, 1989.

Once the communities have worked out how to co-exist, then attention could be turned to the unionist's relationship with the Republic and they could also "work out the relationship that the new structures that we agree on will have with the rest of the United Kingdom," said Mr. Robinson.

"In relation to the Irish Republic, I have to say that it has always been the view of the Unionist leadership—publicly identified by the two leaders who at present lead the unionist parties—that it is not the unionist community's aim to be at enmity with the Irish Republic," he said.

"It is not in our interest to have disagreement with those who live in a neighbouring country. Unionists want to be friends with the Irish Republic, but they do not want to be part of that family, and that is the distinction. I would have thought that if there are people of goodwill who want to have a close, harmonious, co-operative, working relationship between the people of Northern Ireland and of the Irish Republic, then we must do it on the basis of friendship rather than on the basis of people wanting to rule over us, claiming our jurisdiction, indicating that we in some ways will be the serfs, and they the masters."

Mr. Robinson said he wanted to make sure the Anglo-Irish Agreement was not the basis on which Northern Ireland existed in the future and he also spoke of his deep opposition to the Republic's territorial constitutional claim to Northern Ireland.

It was quite clear now that unionists could bring to the negotiating table proposals for an alternative to the Anglo-Irish Agreement. "Systems that we have operated in the past have failed us, we need to be a little more imaginative than that if we are to get a solution, if we are to overcome some of the difficulties that have existed in the past," he continued.

Asked if power were to be restored to Northern Ireland, would there be equal power for the SDLP? Mr. Robinson said that "not even the SDLP would expect those who obtain 19 per cent of the vote at elections to have an equal share with those who have significantly greater".

"I think that it would be wrong of anyone to attempt to get devolution in Northern Ireland and to sell the people short by not attempting to get the full range of powers which obviously would include powers in the security field. Those are matters which affect our people and it's very difficult to envisage how one can adequately deal with the other aspects of government without having control in the field of security."

Mr. Robinson refused to give specifics on what type of new structure the DUP would favour for Northern Ireland as one did not enter into negotiations by fully disclosing one's hand. But he would not accept any system that had been rejected in the past, and that included Sunningdale. "We are talking about something a little more innovative than that," he said.

"I don't think unionist interests are advanced by anything other than the removal of the Anglo-Irish Agreement. If we are referring to a package which would be brought in after the removal of the agreement, then there are certain things which are the rights of the people of Northern Ireland and the rights of their elected representatives in the House of Commons."

"They have every right to expect that there should be a procedure that allows their laws to be dealt with in the same way as laws for other parts of the United Kingdom. They have every right to expect that their

province might be administered in a way that has a greater degree of accountability than at the present exists. They have every right to expect that committees dealing with Northern Ireland matters should be set up just as there are committees dealing with the bread and butter issues for other parts of the United Kingdom.

"I don't see that as a privilege being bestowed upon me; that is something that we should have anyway, and I would have no objections to such reforms of Northern Ireland's business in the House of Commons, but that doesn't present to me something that is going to benefit greatly the people of Northern Ireland themselves. I believe that the remoteness between Northern Ireland and the seat of Government requires there be a system of government in Northern Ireland to deal with the important day-to-day issues."

REMEMBERING CAPT. MANLEY LANIER "SONNY" CARTER

Mr. NUNN. Mr. President, as all of my colleagues know, one sees the full range of emotions on the floor of the Senate during our debates—pride, courage, concern, and sometimes even anger. This week the Chamber is filled with sorrow. This has been a hard week for the Senate. On Monday former Senator John Tower was laid to rest in his home State of Texas, and yesterday Pennsylvania sadly received Senator John Heinz back to his beloved State.

Today, Mr. President, the Nation mourns the loss of a third hero, Capt. Manley Lanier "Sonny" Carter, Jr. Sonny Carter was on the same flight as Senator John Tower that resulted in tragedy on April 5 in Brunswick, GA.

Sonny Carter was clearly an all-American hero. He was born in Macon, GA, and considered Georgia his home. Despite the tragic foreshortening of his brilliant career, Sonny Carter lived as full and as successful a life as one can live. He was a gifted medical doctor, a decorated naval aviator, and a talented astronaut.

Sonny Carter received both his bachelor of arts degree and doctorate of medicine from Emory University. After graduating from medical school in 1973, he entered the U.S. Navy and became a flight surgeon and a pilot. He pursued both careers successfully until he was selected in May 1984 by NASA to become an astronaut. He first flew in space on the STS-33 crew which launched successfully into space on November 22, 1989, on the space shuttle *Discovery*.

I recall his personal hospitality in Houston a number of years ago when he gave my son Brian and me a most enjoyable and informative tour of the Houston Space Flight Center.

At the time of his death he was preparing for an upcoming shuttle launch that would have carried the International Microgravity Laboratory into orbit.

To have such a brilliant career cut short only heightens our sense of loss.

Yet I believe Sonny Carter's family can draw deep satisfaction to know that Sonny gave more to his country in his 17 years of service than most individuals give in their lifetime.

This afternoon the people of Georgia welcome Sonny back for the last time. His funeral services are being held at Warner Robins Air Force Base, which Sonny considered to be his home. The Nation has lost a truly great American. We extend our deepest sympathies to his wife Dana and his daughters Olivia and Meredith.

Mr. President, I ask unanimous consent that a statement I presented in the Senate at the time of his first shuttle mission be printed in the RECORD at this point, and that a copy of his résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Nov. 20, 1989]

CAPT. MANLEY L. "SONNY" CARTER

Mr. NUNN. Mr. President, with luck and hard work, the space shuttle *Discovery* will roar off into space later this week. Like all Americans, the people of Georgia are proud of the courage and dedication of all of America's astronauts. In the case of this shuttle mission, the people of Georgia are especially proud to have a son of Georgia serve as a mission specialist on the crew of the space shuttle.

Manley L. "Sonny" Carter, Jr., a captain in the U.S. Navy, was born, raised, and educated in Georgia. He was born in Macon and grew up in Warner Robins. He received his bachelor of arts degree in chemistry from Emory University and a degree in medicine from Emory University's School of Medicine. Even after assignments across the country as a naval officer, Sonny still calls Georgia home.

After medical school, Sonny joined the Navy and served as a flight surgeon with the Marine Corps and as the senior medical officer aboard the U.S.S. *Forrestal*. Besides being a gifted surgeon, Sonny is a skilled pilot. As a naval aviator, he logged over 2,400 flying hours and 160 carrier landings. In addition, he successfully completed the Navy's demanding training programs at the Top Gun Fighter Weapons School and the U.S. Naval Test Pilot School. As a Navy test pilot, Sonny was selected by NASA to serve in the shuttle program.

To Sonny's wife Dana, his two daughters, Olivia and Meredith, and to the families of the rest of the crew, our prayers and best wishes will go out to you when the mission begins this week. It is unfortunate that Sonny and the rest of the shuttle crew cannot be with their families on Thanksgiving Day. This is just one of the many sacrifices that the astronauts and their families make in order to serve our country.

And to the commander of the *Discovery*, Col. Frederick C. Gregory, Sonny Carter, and the rest of the shuttle crew, we wish you a safe flight and a successful mission.

Mr. President, I ask unanimous consent that an article from Emory magazine entitled "Your Basic American Hero" be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUR BASIC AMERICAN HERO

(By Andrew W.M. Beierle)

The main entrance to the Lyndon B. Johnson Space Center angles off a neon-lined stretch of highway named NASA Road One in Clear Lake, Texas, some twenty miles south of Houston. Through the rain-streaked windshield of our rented sedan, the space center appears to be an unremarkable piece of real estate—a panorama of low, uniformly modern buildings nearly devoid of color or distinguishing features, set on flat, scrubby land. It has the feel of the campus of a community college built in the late sixties or early seventies. At the gate a lone security guard occupies a glassed-in enclosure similar to a turnpike tollbooth. I slow to a stop, and crank down the window.

"I'm supposed to meet Sonny Carter here," I say, assuming the guard knows each of the 100 active astronauts by name and will know who I'm talking about.

"He drives a Porsche" the guard asks.

Without thinking about it, without, in fact, realizing what I'm saying, I reply, "Yeah. He probably does." Besides me, photographer Ann Youngling laughs. I take it she knows what I mean.

I had never met Sonny Carter, had spoken to him only briefly the week before, and had never had occasion to speculate on his means of transportation, yet my instinctive response seemed entirely logical. At the age of forty-two, Manley Lanier Carter Jr., a graduate of both Emory College and the School of Medicine, has lived out the macho fantasies of many men—professional athlete, fighter pilot, test pilot, astronaut. What other kind of car could he possibly drive?

"He's waiting over there," the guard says, pointing to a parking lot on the left side of the road. We pull into the lot and get out of the car. In the weeks prior to my trip to Houston, I had talked to people who had known Carter at Emory—Associate Professor of Medicine Michael Lubin, who shared a first-year residency with him, and Professor of Medicine Kenneth Walker, who supervised his residency. Lubin and Walker, who supervised his residency. Lubin and Walker had said Carter would be courteous, friendly, smart, unassuming—deceptively casual for a someone who lives as intensely as he does.

Carter greets us warmly and refuses to take Youngling's place in the front seat of our small foreign car, folding himself instead into the cramped back seat. Sonny Carter is no Top Gun Tom Cruise, no raven-haired, jut-jawed jet jockey who masks his face behind mirrored aviator glasses. Yes, he is tan and lanky, as one might expect, but his brown hair is thinning and his lean, boyish face is brightened by an impish grin. Despite unpleasant weather—it is particularly gray and cold afternoon—he wears no jacket over his starched blue oxford cloth shirt.

For an hour or so, Carter takes us on a tour of the space center, affording us a close-up look at sights such as Mission Control that tourists see only from a distance, as well as off-limits areas they never see such as crew training facilities and even the private (but spartan) gym facilities reserved for astronauts. Eventually we make our way to a cafeteria where, over coffee and chocolate-chip cookies, we talk about his career.

To someone unfamiliar with Carter, his life might appear to be an effortless progression toward a pinnacle of achievement at an early age. "Anybody could have done it," he is wont to say. In fact, his success has been anything but effortless. Those who know him say he has pursued each of his goals with a

quiet determination that borders on relentlessness. He has at times been forced to make difficult choices: to accept an invitation to enter the United States Military Academy at West Point or follow the family tradition and enroll in Emory College; to continue his career as a professional athlete or abandon it in favor of completing his medical education, to maintain a medical practice as he engaged himself in an ever more rigorous flight training program or turn away from the profession he had spent nine years pursuing.

"Something always came along, and it seemed at the time it was the right thing to do," Carter says of his choices. "I thought each of them was worthwhile, and they all represented something more than just me doing it. . . .

"But my momma said it was just because I couldn't hold down a job."

Says longtime friend and fellow Emory alumnus David Short, now a Texas heart-transplant surgeon, "I admire him more than anybody I know, because he's chosen to do the right things in life and he's willing to make the sacrifices necessary to do them."

"He's an American hero, pardner."

As a boy in South Georgia in the early fifties, Carter thought little about space travel or flying. "I grew up in Warner Robins," he says. "There's a big air base out there, and I'd see airplanes all the time. They say that influences you, but I don't remember it influencing me. I thought airplanes were neat, but I never cared any about flying them until way much later."

What he did want was to become a doctor. His father worked as a pharmacist, and Carter had an inkling of what medicine was all about. He also was befriended by the family doctor, W.G. Talbert, who would drive Carter and his two sons to Athens on autumn weekends to see the University of Georgia Bulldogs play football.

"I knew Dr. Talbert was a nice guy, so I liked medicine from that point of view," he says. "I don't mean to sound too gee-whizzish, but I grew up thinking medicine was a great thing to do—to spend your life helping people. I've always liked helping people, and to me medicine was something where you help people on a very personal scale. You help them live, you deliver babies, you work on them if they've got a bad disease, keep them alive as long as you can. I thought that was good stuff."

It was Carter's mother, Elizabeth, who provided him with the inspiration to reach his goal. "My dad worked really hard, he worked all the time, so I wasn't around my dad so much. Mom was the most influential on me when I was growing up. She hoped a lot for me. She always made me think I could do whatever I undertook. I think she's had more influence on what I am today than anybody else."

"Ever since I was a little boy, my mother wanted me to go to Emory. My dad had been to Emory and his brother had been to Emory and my cousin had been to Emory. There are a lot of Carters in our family who have all been to Emory. So I went to Emory 'cause that was the only place to go—Harvard of the South, all that stuff. I had been accepted to West Point and decided not to go there. . . . In our family you wouldn't consider any other place unless they wouldn't let you go to Emory. So I tried to do the best I could, tried not to embarrass the family name."

At first Carter was afraid he might do just that. "I thought I was gonna go up to Emory and be a doctor and stuff, and when I took

my first chemistry test I made a forty-five, a forty-five on my first test in college. I thought, 'Whoa, things have changed here. Maybe I'm not going to be a doctor after all. Maybe I'm not as smart as I think I am.' That was the truth. I was not as smart as I thought I was in high school. I was an average student at best. But I worked real hard, and I learned an incredible amount. I still think of Emory as a great place. And my education is what got me here. I would not be here unless I had been challenged at Emory. I think college develops you and leaves you with a challenge and prevents you from staying the same forever. It expands your horizons. That's what Emory did for me."

If it is true, as one sports-minded pundit said, that "athletics don't build character so much as they reveal it," it is possible to see in Sonny Carter's participation in sports a metaphor for his life. With no previous experience in the game, he became a valued member of the Emory soccer team and ultimately was drafted to play professionally. He succeeded not through some extraordinary skill but by dint of his determination. Likewise he has achieved in life far more than one might have expected from a small-town South Georgia boy, and he has done it in much the same way—with grit and tenacity.

"Until I went to Emory, I wasn't a big athlete of any kind," Carter says. "I'd played small-town sports and that kind of stuff, but I was never any good. I just lucked on to soccer."

Former Emory soccer coach Tom Johnson, however, calls Carter a "tremendous" athlete. "While he had a limited background, he was a very good player as a defender, an extremely intelligent player, and basically very, very tough," Johnson says. "I recall a story that to me really epitomizes his competitiveness and his commitment. We were going to Erskine [College] to play a match, and Sonny spent the whole trip vomiting in the bus restroom. He was almost totally wiped out. He couldn't eat anything prior to the game. But he went out and played the match, which finished in overtime. He played the entire match. He was so sick he almost had to be carried to the bus for the trip home. But he wouldn't have any part of not playing. I doubt seriously that you would find any athlete today who would commit himself to that kind of thing. . . .

"Sonny is, in my opinion, one of the most competitive individuals I have ever seen. I'm going to qualify that by saying he is one of the most positive or wholesome competitors that I've ever seen—very hard-nosed but committed to the team, and as far as I can remember a very fair competitor. He would do anything within the limits of the rules of the game to succeed individually and for the team. . . . If it meant running into a goalpost to win a game, he'd do it. He had that kind of dedication. He was totally unselfish, totally committed."

In 1970 the Atlanta Chiefs professional soccer team, in only its second year of play, selected Carter as a first-round draft choice. "Nobody at Emory had ever been drafted for anything. Ever," he says not with bravado but with a sense of astonishment. "The Chiefs were national champs the year before. They could pick whoever they wanted, and they picked me."

Johnson says Carter was not, in fact, a soccer superstar; he would not be a starter for the Chiefs. But he was selected because he was a developing player and, best of all, an American. Professional soccer was new to

the United States, and American players were rare—perhaps three or four in the entire league. Until they drafted Carter, the Chiefs, a largely British team, had none.

"I think Atlanta wanted an American soccer player to draw a crowd, and I believe [having one] did," Carter says. "People would tell you they came to see the American play." The patriotic appeal of representing his country in a game dominated by foreigners was not lost on Carter. "It was something I could hardly turn down, even though I knew it would be tough."

But the decision to play for the Chiefs was not an easy one: Carter already had been accepted to medical school at Emory, and he did not want to abandon or even postpone his plans to become a doctor. "I talked to Coach Johnson, and he thought it was a great opportunity. So I went to Dr. Papageorge, Evangeline Papageorge, who was the [executive associate dean] at the medical school at the time, and asked her. And she said, 'That's fine,' but she reminded me that medicine was difficult and that the trouble she had seen with students who didn't make it through medical school was that they got behind in their studies. She told me that getting behind in your subjects was something I might not be able to tolerate if I tried to do both of these."

"So with her approval, and Coach Johnson's, I signed the contract. They paid me money to play soccer, which, I mean, was pretty incredible if you ask me. Here's somebody from South Georgia who'd never seen a soccer ball three years before, who was now being paid for it."

Carter's schedule was grueling. The Chiefs trained from January to March and competed from April to September. During the academic year he took classes during the day, practiced two or three hours with the team at night, and studied in the library until it closed. He would sleep for maybe four hours, rise at 6:30 a.m., and begin the cycle again. To avoid the appearance of special treatment, Carter would take as many of the tests as he could in advance of the rest of the class.

"There was a lot of studying. I took my books with me on all the plane trips. I'd take big physiology books and anatomy books and pathology books, and my teammates would be reading magazines and stuff and I'd be there bookin' on the flights. Sometimes we'd fly to Dallas and play on Friday, fly to Washington and play on Saturday, fly to Toronto and play on Sunday, so I didn't get that much sleep. I think if I had been able to, I would have been a stronger player."

During his third year in medical school, when clinical studies required his presence at Henry W. Grady Memorial Hospital, Carter would jog from the hospital to nearby Atlanta-Fulton County Stadium, practice with the Chiefs, run back to the hospital, shower, and return to work.

"I'd be pretty tired a lot of the time, but I tried to not let soccer interfere with my studying. I was fairly slow and methodical and plodding in my approach to things, so had I been smarter and more efficient I would have had more time. I wouldn't say I was physically exhausted, though sometimes I was very, very tired. But it was great fun, and I would have done it for no money."

As Carter began his final year of medical school in the fall of 1972, he realized the responsibilities of his clinical training would be too intense for him to continue playing soccer professionally while completing his medical education.

"All the things that you had book-learned the previous years you had to learn to apply

to patients. It wasn't just whether I knew [the material] or not—I had to use it on people, and I didn't want a patient not to have my best. . . . I recognized early that if you don't apply all your strength to medicine, somebody will pay the price and it will not be you. That was something I couldn't live with. You don't practice medicine for yourself, or at least I never did. You practice medicine for your patients, and I didn't want them to pay the price. Plus, I was as good [at soccer] as I was going to be, which was average."

By the time Carter completed medical school in 1973, he had left behind any concerns he might have had about embarrassing the family name at Emory. His first disappointing test score eight years before notwithstanding, by graduation day he had been elected to Alpha Omega Alpha, the medical school equivalent of Phi Beta Kappa. In 1974, after completing an internal medicine internship at Grady Hospital, Carter joined the Navy and underwent training to become a flight surgeon.

"I thought everybody ought to serve the country, and I still do," he says. "That's just the way I was brought up."

Within three years he was selected for jet flight training and was posted to the aircraft carrier *Forrestal* in the Mediterranean Sea as senior medical officer. After completing additional training on F4 Phantom jets in March 1979, he returned to the *Forrestal*. Once again Carter found himself faced with a decision about which career path to follow, this time choosing between practicing medicine and continuing to fly.

"When I first started flying jets in the Navy, I took calls in the hospital as well as fly. I could see that you could be a competent doctor as well as fly on a regular schedule, but there wasn't enough time for me to be with my family. I knew I had to leave one of those things for a while, at the intense level, and I chose to leave medicine behind. The flying part I had to do. I knew I would come back to medicine later."

In 1982 Carter was selected for the rigorous and intensely selective fighter pilot training known as Top Gun, at the Marimar, California Naval Air Station. "The school is not exactly like the movie. You don't jump on a motorcycle and go out on the town every night. You're very tired at the end of the day." Carter was the first, and to date only, flight surgeon ever to graduate from Top Gun.

Within a year he was selected for the more elite—and more dangerous—training as a Navy test pilot. "I was going to be kind of a human engineer for the Navy testing unit, where you try to make man and machine interface better," he says. "I knew something about medicine and something about tactical aviation, so it was useful to the Navy, tactically and monetarily, to have me help them make better systems for the people that protect the nation. And I thought I'd be doing that for the next little while. I don't think I would be down here [at the space center] at all."

"I followed the space program, but I never thought I'd be a part of it. One day at test pilot school we were sitting around having lunch—test pilot school is really intense and lunch is a real rest period for an hour or so—and these guys came in with applications for astronaut training. I just said, 'Hey, can I make a copy of that.' So I made a copy and filled it out in pencil right there and turned it in. I didn't think I had much of a chance. I was flattered just to have my name on the list the Navy sent to NASA. After that I got

a notice I had an interview down here. The interviews are a week long and it's great; the best part was that you got out of test pilot school for a week. Test pilot school is the world's biggest grind. It's much harder than medical school was."

The interviews went well. "I had a great time," Carters says. "But I thought that was the end of my contact with the space program. . . . I thought all the people in my interview group were much more qualified for this job than I was. I still think so."

"If I had to guess why I was selected over anyone else, I'd say it had something to do with medicine and something with aviation. Going to test pilot school's a big deal, and the space program is tied in closely with aircraft testing. That's what this is; a huge test program for space. Many of the people in the astronaut office have always come from the test pilot [ranks]. So aviation experience had a lot to do with it; I'd flown as a flight surgeon and as a pilot. There have been doctors before, but many more test pilots than doctors. I also think that down here they place some emphasis on demonstrated proficiency in different areas; not, say, in just one area, like if I'd only been a doctor. . . . But I've stopped thinking about it. I figured they just had the wrong person, misspelled the name."

The astronaut office occupies the top floor of a three-story building at the heart of the Johnson Space Center. On the gloomy Saturday afternoon we visit, it has the deserted air of a high school in the late afternoon after everyone else has gone home. At first I attribute that to the familiar narrow corridors, darkened now, and the institutional cinder-block construction of the interior walls, but then I realize it's not the walls themselves but what's on them: banners and blue and white balloons welcoming home the crew of the shuttle *Atlantis*, just back from NASA's second manned post-*Challenger* mission; posters of various flight crews, some defaced in a good-natured way with devil's horns and goatees; a variety of hand-lettered signs and drawings, many obviously made by children of astronauts and other space center employees. The place exudes the camaraderie and optimism of high school primed for a pep rally.

Carter's office, which he shares with two other astronauts, is decorated with photographs of British soccer teams and souvenirs from the Los Angeles Dodgers, his favorite baseball team.

"There's lots of fun stuff that goes on. We play all kinds of little jokes on one another," Carter says. "It's all harmless stuff, never anything malicious. It's fun and we do a lot of laughing, because there's a fair amount of time when we're serious. Nobody takes themselves too serious; very few do. But they all take their jobs very seriously."

When he's not actually training for his upcoming flight—he is scheduled to be aboard *Discovery* when it makes a classified Department of Defense mission November 19—Carter spends a good deal of time in conference. He often meets with engineers and is a member of the committee that evaluates the scientific merit of experiments involving humans in space. His job also includes some of the more mundane responsibilities the astronauts must shoulder—the excruciatingly precise and often dry calculations and analyses that form the largest part of their tenure with the space program.

"I think most people are surprised or frustrated when they ask me, 'Well, when are you going to fly? You've been down there five years.' Of course, this job is about flying and doing things in space for your country,

but that's only part of it. . . . This job is about the nation's space program and not so much about us flying in space. You realize that after you're here if you didn't before. . . . I seldom think about flying. In fact, it never bothered me. . . . You think about what you can do for mankind, because there's really nothing else to think about. You can't be selfish and be in this program. Those two are incompatible. They don't fit."

Carter says the loss of the *Challenger* hit the close-knit astronaut corps especially hard. "I think it took about a year or two for people [at NASA] to recover from thinking about it," he says. "Since the accident, NASA has done incredible amounts of work reviewing everything, more so than I think most people in America would ever imagine. That doesn't mean it's not still dangerous. It is. It is a rocket; it's not like a bus going into space. It is a rocket. . . ."

For Carter the loss of the *Challenger* and its crew was a deeply personal one. "They were all my friends," he says. "All those people were our friends. I knew all of them real well. In fact, I was the person who strapped them in the orbiter that day. I was the last . . ."

He doesn't finish the sentence, perhaps because it is too painful, perhaps because linking himself to America's fallen heroes might be misinterpreted as self-aggrandizement.

"Each crew who goes on a mission," he continues, "has somebody called a 'Cape Crusader,' an ASP—astronaut support person—who straps them into the orbiter and helps close the hatch. That astronaut is the last person to leave the pad. Well, 51-L was my crew. I was the person who greeted them. I was inside . . . when you saw them in the pictures going into the hatch. I was inside there, strapping them in. They were all my friends. And everybody was happy, just like for any launch day. They waited for that day, and I wait for that day. Launch day will be great. . . ."

Despite the *Challenger* tragedy and the renewed sense of danger, Carter's own enthusiasm for space flight remains undiminished; if anything, he is more committed to it than ever.

"If you've never seen the launch of an orbiter, it is something that will make you cry, because you cannot believe your country is capable of doing such a thing. . . . It reminds you of all the things you think about when you sing 'The Star Spangled Banner.' And that's the truth. . . ."

"Losing friends happens all the time in [military] aviation. It's just that we in America never thought this would happen to [the space program] because we were so good at it. . . . I was very sorry that we had to lose those people, the orbiter, the trust of the nation . . . to have us understand once again, after years without an accident, who we are and what we represent for the nation."

BIOGRAPHICAL DATA—LYNDON B. JOHNSON SPACE CENTER, HOUSTON, TX

Name: Manley Lanier "Sonny" Carter, Jr. (Captain, USN), NASA Astronaut.

Birthplace and date: Born August 15, 1947, in Macon, Georgia, but considers Warner Robins, Georgia, to be his hometown. His father, Manley L. Carter, Sr., and his mother, Elizabeth C. Carter, are deceased.

Physical description: Brown hair; blue eyes; height: 6 feet ½ inch; weight: 165 pounds.

Education: Graduated from Lanier High School, Macon, Georgia, in 1965; received a bachelor of arts degree in Chemistry from

Emory University in 1969, and a doctorate of Medicine from Emory University in 1973.

Marital status: Married to the former Dana Powell of Jacksonville, Florida. Her mother, Mrs. Sara Powell, resides in Jacksonville, Florida. Her father, Mr. John Powell, is deceased.

Children: Olivia Elizabeth, May 27, 1974; Meredith Corvette, December 3, 1976.

Recreational interests: He enjoys wrestling, golf, tennis, L.A. Dodger baseball, and old movies. Carter was a professional soccer player from 1970-73 for the Atlanta Chiefs of the NASL.

Organizations: Member of Sigma Delta Psi, Alpha Tau Omega, the Marine Corps Aviation Association, and SETP.

Special honors: Recipient of the Air Medal, Meritorious Service Medal, Navy Achievement Medal, Meritorious Unit Citation, Marine Corps Aviation Association Special Category Award 1982, NASA Meritorious Service Medal 1988, and NASA Space Flight Medal 1989. Carter was the Guest of Honor at the 215th Marine Corps Birthday Ball.

Experience: Carter graduated from medical school in June 1973 and completed a straight internal medicine internship at Grady Memorial Hospital in Atlanta, Georgia. In July 1974 he entered the U.S. Navy and completed flight surgeon school in Pensacola, Florida. After serving tours as a flight surgeon with the 1st and 3rd Marine Air Wings he returned to flight training in Beeville, Texas, and was designated a Naval Aviator in April 1978. He was assigned as the senior medical officer of USS Forrestal, and in March 1979 completed F-4 training at VMFAT-101 Marine Corps Air Station, Yuma, Arizona. He was subsequently reassigned as a fighter pilot to duty flying F-4 phantoms with Marine Fighter Attack Squadron 333 at MCAS Beaufort, South Carolina. In 1981 he completed a 9-month Mediterranean cruise aboard USS Forrestal with VMFA-115. In September 1982 he attended U.S. Navy Fighter Weapons School (TOPGUN) and then served as 2nd Marine Air Wing standardization officer and F-4 combat readiness evaluator at MCAS Cherry Point, North Carolina. He then attended the U.S. Naval Test Pilot School, graduating in June 1984. He has logged 3,000 flying hours and 160 carrier landings.

NASA experience: Selected by NASA in May 1984, Carter became an astronaut in June 1985, qualified for assignment as a mission specialist on future Space Shuttle flight crews. Carter was assigned as Extravehicular Activity (EVA) Representative for the Mission Development Branch of the Astronaut Office when selected to the crew of STS-33. The STS-33 crew launched, at night, from Kennedy Space Center, Florida, on November 22, 1989, aboard the Space Shuttle Discovery. The mission carried Department of Defense payloads and other secondary payloads. After 79 orbits of the earth, this five day mission concluded on November 27, 1989 with a hard surface landing on Runway 04 at Edwards Air Force Base, California. With the completion of his first mission, Carter has logged 120 hours in space.

Current assignment: Captain Carter is assigned as a mission specialist on the crew of STS-42, the first International Microgravity Laboratory (IML-1). Died 4/5/91 at Brunswick, GA in a commuter airline crash while representing NASA at a public appearance.

BLAIR MISHOE: SOUTH CAROLINA TAKES PRIDE IN ITS PRIZE-WINNING VFW ESSAYIST

Mr. HOLLINGS. Mr. President, each year since World War II, the Veterans of Foreign Wars of the United States has sponsored the Voice of Democracy Broadcast Scriptwriting Contest, inviting high school students to write brief broadcast scripts on patriotic themes. A remarkable 138,000 students participated in this year's competition.

I join all South Carolinians in taking tremendous pride in the second-place finish of Blair Mishoe, a senior at Irmo High School in Columbia, SC. Blair is the latest in a long string of talented, award-winning students at Irmo High. Her winning performance in this year's VFW contest brings with it a \$13,000 scholarship. She titled her superb essay "Democracy—the Vanguard of Freedom."

Mr. President, I ask unanimous consent that it be printed in the RECORD for all Americans to read and appreciate.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

DEMOCRACY—THE VANGUARD OF FREEDOM

In 1958 the United States shot its Vanguard I into orbit. Highly technological for its time, the three-stage rocket was programmed to radio vital information about space back to earth. The first stage shot the rocket to an altitude of thirty-eight miles; the second propelled it to greater height and speed; and the third stage of the rocket fired at an altitude of 300 miles, launching the satellite into orbit at a speed of 18,000 miles per hour. It was a triumph for America!

Nearly 200 years before, however, the United States had launched an even greater rocket—Democracy: The Vanguard of Freedom! On July 4, 1776, our founding fathers could not have known how the world would be changed by the spark they set off that day in Independence Hall.

The Declaration of Independence ignited the initial stage and sent Democracy on its historic voyage. The plan of these early Americans to form a new country was threatened by a more powerful nation. Nevertheless, rag-tag armies and loosely connected colonies, strengthened by familiar phrases such as "all men are created equal," "inalienable rights," and "life, liberty, and the pursuit of happiness," were able not only to endure, but also to prevail. Through the Revolutionary War, the dedication of people now referring to themselves as Americans showed Mother England that the blast created by the founding fathers in Philadelphia was powerful enough to carry the United States' rocket of Democracy on its way.

With the drafting of the Constitution, the second stage of the rocket was fired. Fueled by the Bill of Rights, the vanguard gained greater height and speed, reaching new frontiers and exploring territory that man had never imagined—freedom of speech, freedom of the press, freedom of religion, freedom of petition, freedom of assembly, the right to bear arms. Americans were astounded by the wonders that Democracy was revealing to them, and the world watched in awe. The rocket soared westward with the opening of new territories and new lands gained in the Mexican War, and state after state was added

to the union. And on the opposite side of the continent, the force of democracy was still strong enough to hold the nation together in spite of a devastating Civil War. By 1912, forty-eight states made one united nation that could stand against the powers of the world. All that was left was a third blast to set the rocket of freedom into orbit.

That last came in the twentieth century with America's transformation from a new nation to a world power—a transformation brought about by victories in two World Wars. We were engaged in conflicts with some of the world's greatest powers—Germany, Japan, and Italy—and we emerged as the most powerful nation in the world!

Democracy: the Vanguard of Freedom continues its magnificent journey. Its path is watched by spectators around the globe who yearn to join the flight. In the past year, it has lit up the skies of East Germany, Romania, Poland, Czechoslovakia, and even Russia.

In 1956 and 1959, Nikita Khrushchev boasted that Russia would bury the United States and that the grandchildren of Americans then living would grow up under Communism. We are those grandchildren, and we are NOT growing up under that oppression. Instead, the grandchildren of Khrushchev's generation have rejected Communism and are demanding freedoms that Americans have always treasured.

The United States has come a long way since that day in Independence Hall. The ideals set forth by our founding fathers have developed into a spectacular show that can be seen only through the windows of a rocket that was launched over two hundred years ago. People all over the world continue to stare in awe at the freedoms that Americans enjoy. However, if our neighbors around the globe want to see more of our great progress, they had better be looking toward the stars.

THE RURAL ELECTRIFICATION ADMINISTRATION AND THE FUTURE OF RURAL AMERICA

Mr. DASCHLE. Mr. President, the quality of life in rural America has made impressive gains in recent decades. Unfortunately, continued improvement is being threatened by the weakness of the agricultural economy and the continuing erosion of government support for the programs that have helped rural areas develop an infrastructure comparable to that of more densely populated areas.

One of the institutions that has played a critical role in rural development is the Rural Electrification Administration [REA]. The REA has been responsible for bringing electric and telephone service to hundreds of thousands of rural households. However, the REA's job is not yet finished. Our continued support is needed to ensure that the job of bringing electricity to rural areas is completed.

I recently received a letter from a telephone cooperative manager in South Dakota that offers excellent testimony to the accomplishments the REA has made and the tasks it has yet to accomplish. I ask unanimous consent that the full text of the letter be printed in the RECORD and commend it to my colleagues' attention.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SULLY BUTTES
TELEPHONE COOPERATIVE, INC.,
Highmore, SD, Mar. 15, 1991.

Senator TOM DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DASCHLE. Recently, national and local news print media have run several articles and editorials of a negative nature featuring the Rural Electrification Administration (REA) and its telephone loan programs. Sully Buttes Telephone Cooperative, Inc. is an REA borrower and as such believes you understand why the telephone loan programs remain so essential to the future well being of communities throughout rural America.

The REA and its telephone loan programs were formed for the purpose of helping to bring telecommunications service to the nation's underserved rural areas. It is much easier to understand this need when one realizes that rural subscribers of REA borrower systems currently account for only about 4.3 percent of the total telephone subscribers in the United States, though their service areas total nearly 1.3 million square miles or about 37 percent of the land area of the nation. In other words, the rural service areas of REA borrowers, on average, have a subscriber density of only about 6 consumers per mile of line, compared to nonborrowers which average 130 consumers per mile of line.

With the facts above in mind, it is not difficult to understand how costly the provision of rural telephone service is. In fact, by way of an example, consider that in 1989 the average REA borrower had a total investment in telephone plant per subscriber of \$2,429. But that is only the average. Borrowers in many states averaged far higher investments per subscriber, e.g., New Mexico—\$8,504; Montana—\$5,069; and Utah—\$4,388. With costs like these there should be no doubt as to the validity of the need for the programs' continued existence.

Cooperative and commercial telephone systems that evolved through the use of REA financing have played an essential role in ensuring the import rural link of our national universal telecommunications service objective is in place. It is important to never lose sight of the fact that the benefits of the REA telephone loan program accrue to our rural telephone subscribers and their communities as a whole, in the form of modern affordable telecommunications service. Today REA borrowers serve nearly 5 million subscribers of 97 percent of rural households—an accomplishment that has led to the creation of hundreds of thousands of jobs, not to mention the nearly 30,000 among REA borrowers.

Despite the successes that have emerged from the partnership between REA and its borrowers, the mission of the agency and its lending programs has not yet been fulfilled. Today, nearly 2 million rural residents remain without the most basic form of telecommunications service. Of those who are "hooked up", 5 percent are still subjected to party-line service, on two, four, and even eight party lines.

In addition, we rural Americans continue to struggle toward revitalization of our economy and in light of the fact that Congress as well as the President have indicated that telecommunications enhancement is a large part of such redevelopment, the need for capital finance such technological upgrading is greater than ever.

The legislative history associated with the REA telephone loan programs is long and clear in reaffirming the intent of Congress, that REA telephone loans should be made on an area coverage basis. In other words, company wealth does not determine who may participate, but subscriber need does. This fundamental principal was a driving force in the initiative to include REA program improvements in the 1990 farm bill that became law last Fall. This legislative package and similar initiatives have been necessary to thwart attempts by the programs' detractors to subvert the intent of Congress by making the programs unworkable or unattractive to potential borrowers.

If ever there were a success story surrounding a federal program, it would have to be that associated with the REA telephone loan programs. Never once in the history of that telephone program has a default been registered. That's something we can all be proud of!

Sully Buttes Telephone Cooperative, Inc. would like to thank you for your past support and we hope you will continue your efforts to maintain the REA telephone loan programs which are directly responsible for the quality of service we have been able to provide to our rural subscribers.

Sincerely,

JAMES E. NIELSON,
Manager.

COMMEMORATION OF HOLOCAUST
MEMORIAL DAY

Mr. CRANSTON. Mr. President, I rise today to commemorate Holocaust Memorial Day, a day that has been set aside to remember the atrocities committed during World War II. On this day we renew our pledge that such horrors must never happen again.

It has been almost 50 years since the brutal and senseless tragedy of the Holocaust was brought to the attention of the American people. As a journalist in Europe in the 1930's, I had the unhappy misfortune to see first-hand the beginnings of the terrible crimes perpetrated by the Nazis against so many innocent peoples.

Over 6 million Jews, countless Gypsies, homosexuals, and dissidents perished to fulfill Hitler's insidious plan. Reports of these horrors are shocking—and sickening. The Holocaust deeply seared the soul of mankind.

Today, the Holocaust is more than a tragic episode in history; it remains a very real part of our national consciousness.

Mr. President, regrettably, the existence of genocide did not remain buried in the ashes of World War II. The international community has been witness to similar atrocities throughout the postwar years—in the Soviet Union under Josef Stalin's reign of terror; in the Chinese annexation of Tibet; in Nigeria during the 1960's; and in Cambodia under the rule of the brutal Khmer Rouge despot, Pol Pot.

And today, we see a repetition of a tragic scene in Iraq, with the defenseless Kurdish population once again the victims of a calculated and systematic

campaign of terror and suffering by the Brute of Baghdad.

Mr. President, our commemoration of the Holocaust stands as a constant reminder of the work yet to be done. We have pledged never to allow another Holocaust. It is time to make good that pledge. Once again, I urge my colleagues to reaffirm the U.S. commitment to establishing an international order based on respect for human rights and international law. Let us work now so that future generations can live without such horrors; let us work to finally bury the senseless tragedy of genocide.

The PRESIDING OFFICER. The majority leader is recognized.

FUTURES TRADING PRACTICES
ACT

Mr. MITCHELL. Mr. President, over the past several weeks up to and including earlier today, I have indicated my intention to seek consent to permit the Senate to begin consideration of the Commodity Futures Trading Commission legislation, and pursuant to my earlier indication, I will do that shortly. I understand objection will be made to the request for unanimous consent to proceed, in which event it is my intention to move to proceed to that matter. As we all know, under Senate rules that motion will be debatable. Then we will see where we go from there in terms of getting to this legislation.

So, Mr. President, accordingly, at this time I ask unanimous consent that the Senate proceeds to the consideration of Calendar Order No. 38, S. 207, a bill to amend the Commodity Exchange Act.

Mr. BOND. Mr. President, I must object to that unanimous-consent request. We have finished today a number of eulogies for our dear friend John Heinz. He was deeply involved in the work on this measure and felt very strongly about it. I had hoped the Senate would not proceed this week. We know it is vitally important legislation, but I must, as a fellow member of the Banking Committee, object to taking this matter up for consideration this week prior to the final services for the Senator from Pennsylvania.

The PRESIDING OFFICER. Objection has been heard.

Mr. MITCHELL. Mr. President, I appreciate the Senator's objection. I want to make clear that I have participated with other Senators in paying our respects to Senator Heinz and the person responsible for the Senate not being in session either yesterday or tomorrow for the purpose of attending his services. But this is a bill that is important. I have attempted to bring it before the Senate for over 2 years, and at each stage in the process someone has had some kind of objection to it. I

announced weeks ago that we would attempt to proceed to the bill on Tuesday. Out of deference to Senator Heinz's passing, I did not do so, and I understand the Senator's objection. I just want to make it clear that I hope there is no suggestion that trying to consider the bill today is some reflection on Senator Heinz or in disrespect for him or his memory. So I hope that we can get the bill considered on its merits. Therefore, Mr. President, I will do what I can to get the bill before the Senate. The Senator and other Senators have their rights, of course, under the rules to delay that, and we will seek to deal with that as it arises. Accordingly, I now move that the Senate proceed to the consideration of S. 207.

The PRESIDING OFFICER. The majority leader has made his motion.

Mr. BOND. Mr. President, on behalf of myself and others, I object to that motion. I say to the majority leader we are deeply grateful for the courtesies he has extended to all of us and to the Heinz family. I for one intend to be fully ready to proceed to a discussion of the merits of this measure next week. I have sought for many months, as has the majority leader, in seeking to expedite consideration of this vitally important measure.

As a member of the Agriculture Committee who fought last Congress for—

Mr. MITCHELL. Mr. President, if I might say in response to the Senator's comment, the only basis for the objection was Senator Heinz's passing. The Senator expressed a willingness to deal with it. I am prepared to say to the Senator right now, if that is the only reason for the objection, we could lay down the bill right now, have an agreement that we would do nothing on it, come back next Tuesday morning at 10 o'clock and be on the bill and start voting on it. That would accommodate the Senator's objection and permit us to proceed to the bill.

The PRESIDING OFFICER. Is there objection? The Senator from Missouri.

Mr. BOND. Mr. President, I reserve the right to object. There has been scheduled in the Banking Committee a hearing on this measure next Tuesday morning, so at this juncture it is my belief that other members of the Banking Committee would want to have the option to hear from Chairman Greenspan and the other regulators who will be before the Banking Committee next Tuesday morning to hear their comments on the Agriculture Committee's draft. I think it is quite possible that we would be able to discuss with the chairman and ranking member and others who are interested an agreement to move forward on the bill Tuesday afternoon. But I believe all of us, at least in the Banking Committee, who have a great interest in this measure will be in a hearing to get the word

from the experts on the matter on Tuesday morning.

Mr. MITCHELL. Mr. President, to further accommodate this, I am prepared to suggest this. Why do not we then lay the bill down on Monday just for purposes of discussion, permit the Banking Committee to have their hearing on Tuesday morning, then be ready to go on this bill, and vote on it Tuesday at 2:15 right after the party caucuses. That is further effort to accommodate the Senator from Missouri and others on this bill. Would that be agreeable to those on this bill?

Mr. BOND. Mr. President, I cannot speak for the chairman of the committee or the ranking member. I would have to, I think, certainly confer with them and receive their input on it.

From my personal standpoint, I am anxious to get started on this bill. We have significantly changed legislative language which we only just received and are in the process of getting information from the regulators. We feel it is a vitally important measure for the confidence of the futures markets and for their effective regulation. It is also important for the financial markets as well.

I would like the opportunity to hear from the chairman and ranking member of the Banking Committee, but for my part I have no objection to any arrangement that the majority leader may wish to make for proceeding on the bill tomorrow. I ask if we could give some time to find out from them when they would be ready to go forward.

Mr. MITCHELL. Mr. President, just to make clear, I did not propose taking it up tomorrow. We will not be in session tomorrow out of deference to the Senator Heinz memorial service.

I proposed taking it up on Monday for purposes of laying the bill down and permitting the discussion to occur, then going over until Tuesday afternoon to accommodate the Banking Committee, with the understanding that at 2:15 on Tuesday we would be on the bill, proceeding, and voting on amendments.

Obviously, whatever information is available to members of the Banking Committee ought to be made available to all Members of the Senate. I have not prejudged it. I have not decided on how I will vote on it. We have been, for a couple of years, trying to get this bill up. Every time it happens someone has an objection for some reason or other. I want to make clear my intention to get this bill up, proceeding, and voting at the earliest possible opportunity.

The objection as stated was limited solely to deference to Senator Heinz. If that is the only basis for the objection, it could be accommodated by agreeing to the proposal which I have now made.

Mr. BOND. Mr. President, I might say as well that there is, I believe, objection from other members of the

Banking Committee as well to proceeding with the measure prior to the hearing on Tuesday.

For the information of our colleagues, we have worked on this for many many months. And the measure which came out of the Agriculture Committee was much different from the measure agreed to last fall and introduced this year. This is the first opportunity that the Banking Committee will have to hear testimony from regulators in the affected area about the impact of this measure, on a broad range of financial markets and instruments.

So, while I raise the objection in terms of respect for my colleague, I believe there are other objections as well. But I will do my best to assure that we get on track as quickly as possible.

Mr. MITCHELL. I thank my colleague. Mr. President, I merely wanted to make the point, and I think it has now been made, that the objection, while made in behalf of deference to Senator Heinz by the Senator from Missouri, is not the only basis for objecting. And in fact it seems clear were Senator Heinz now seated at his desk there would still be objection to this. We will have to proceed and deal with it as best we can.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Vermont.

Mr. LEAHY. Mr. President, S. 207, the Futures Trading Practices Act of 1991, is the toughest futures reform package reported to this Chamber in decades—and is one of the most critical white-collar crime proposals we will address this year. Last month, it was reported unanimously from the Committee on Agriculture, Nutrition, and Forestry.

The fact that today, after 2½ years of work on this bill, the Senate is first debating whether to proceed to consideration on the measure, is an outrage and an absurdity to American consumers, producers, and market users.

In January 1989, Congress faced an unprecedented crisis of confidence in our commodity futures markets. We learned that the FBI had conducted a major undercover sting operation aimed at the Nation's two largest futures exchanges in Chicago. That investigation resulted in indictments against 48 Chicago traders on charges of fraud and racketeering; 32 of those traders have so far been convicted or pled guilty.

That same summer, an emergency in the Chicago soybean market raised a storm of concern among farm producers.

Congress responded promptly and effectively to the crisis. Strong medicine was needed for the futures trading pits: tighter enforcement by a toughened CFTC; better audit trails; stricter policing by the exchanges; and more public involvement in exchange decisions.

We were well on our way to passing these reforms in late 1989. The Senate Agriculture Committee unanimously reported a trading practice bill in November 1989. The full House of Representatives had passed its version of the bill unanimously in September 1989.

The momentum for reform was strong. Then, suddenly, the music stopped: the process ground to a halt. No, the culprit was not the Chicago futures markets blocking change. The sand in the gears came from a different direction.

Final action on trading practice reform was blocked last year by a battle launched by the Treasury Department, the Securities and Exchange Commission, and their supporters on Wall Street over whether to shift jurisdiction for stock-index futures contracts from the CFTC to the Securities and Exchange Commission—a debate stemming most recently from the violent stock market price breaks of October 1987 and October 1989 and from the introduction of certain new financial instruments: index participations, swaps, "hybrids," and others.

Mr. President, I did not want this jurisdiction fight. I urged Treasury Secretary Nick Brady last year to separate it from the urgently needed futures trading reforms in S. 207, but Secretary Brady insisted that the two issues be treated at the same time.

The result has been an 18-month legislative stalemate.

Every time we tried to bring this bill to the floor last year, we were blocked. The CFTC bill became like a ping-pong ball—whichever side felt it lacked the votes on jurisdiction would tangle the bill with parliamentary holds.

At one time, I was highly tempted to play this game too and put holds on important stock market reform legislation developed by my colleagues on the Banking Committee. But I felt that the need for reform in U.S. securities laws in light of the record of Boesky, Milken, and junk bonds was just too urgent.

In order to break this log-jam, I joined last fall with Senator LUGAR, Senator DODD, Senator BOND, and Senator Heinz in what we hoped would provide an honorable compromise to end his conflict. The product we came up with was a responsible, finely tuned proposal that I was proud to introduce this year as the original title III in S. 207.

Unfortunately, when the Agriculture Committee held public hearings on the bill in February, both sides of the issue opposed our compromise—even the securities markets who had the most to gain under it. The legislative history from the hearings became so littered with negative claims and counter-claims about the bill as to create a bonanza for any lawyer wanting to chal-

lenge it in court. As a practical matter, the compromise became untenable.

Still, the Agriculture Committee recognized the need to address two key issues central to the jurisdictional debate:

First, margin oversight for stock-index futures contracts; and

Second, regulatory treatment of new products.

To do this, at markup, we adopted a new compromise worked out between Treasury Secretary Brady and CFTC Chairman Wendy Gramm. This proposal—which was debated at two public hearings before our committee and is now contained in title III of the bill—significantly rolls back CFTC jurisdiction over hybrid financial products. Among other things, the provision—

First, gives the Federal Reserve Board authority over margins on stock-index futures contracts;

Second, requires the CFTC to exempt swaps and certain bank products from its regulatory framework; and

Third, permits currently proposed index participations to trade on stock exchanges—even though a Federal appeals court has ruled these to be futures contracts under the exclusive authority of the CFTC.

Mr. President, since the Agriculture Committee markup last month, charges have been leveled that the language in S. 207 contains some kind of sneak attack by the CFTC on the SEC's jurisdiction—that, for instance, it moves authority for the \$3 trillion securities index option market to the CFTC.

These claims, and many others like them, are groundless and reflect the level of distrust created after 18 months of fighting on this issue.

To settle these questions once and for all, the committee turned again to the experts, the CFTC and the Treasury Department. Over the past month, these agencies have negotiated and conferred with representatives of the affected industries. This week, they provided us with technical revisions which Senator LUGAR and I will lay before the Senate as a committee modification to this bill.

This new language addresses the concerns of the swaps industry and much of the securities industry as well.

Now the decision is up to the Senate. Shall we proceed to debate futures market reform, or shall we delay the process again indefinitely? To me, the questions boils down to this: U.S. financial markets will remain at risk from trading abuse and sagging confidence until the reforms in S. 207 become law. Are we willing to run the risk for another scandal or emergency in the financial markets while we spin our wheels debating jurisdiction?

It is time to break the log jam over this bill and settle the issues one way or the other. If any Senator is not satisfied with the work of the Agriculture

Committee on this bill, let him come forward with amendments so we can vote them up or down. No faction should be allowed to prevent a fair and open debate on S. 207.

As I said at the outset, a vote for S. 207 is a vote for economic stability and financial integrity, and a vote against white collar crime. I urge my colleagues to support the legislation.

Mr. President, I ask unanimous consent that certain items representing legislative history of the committee modification be printed in the RECORD at this point. These include: First, the text of the modification; second, a letter of transmittal from CFTC Chairman Gramm; third, a statement regarding certain aspects of title III of S. 207; fourth, an explanation of technical and conforming amendments to title III of S. 207; and fifth, a series of examples on the CFTC predominant purpose test for hybrid instruments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO S. 270

Beginning on page 159, strike line 4 and all that follows through page 168, line 11, and insert the following new title:

TITLE III—INTERMARKET COORDINATION

SEC. 301. MARGIN ON STOCK INDEX FUTURES.

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

"(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the stock index futures contract (or option thereon).

"(II) The board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

"(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

"(V) Any action taken by the Board under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board at the time the

determination was made. The court reviewing the Board's action shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

SEC. 302. EXEMPTIVE AUTHORITY.

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c) or (d), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, may (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this Act except section 2(a)(1)(B), if the Commission determines, after notice and opportunity for hearing, that the exemption would be consistent with the public interest.

"(2) The Commission shall not grant any exemption under paragraph (1) from any of the requirements of subsection (a) unless the person seeking the exemption demonstrates to the satisfaction of the Commission that—

"(A) the requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

"(B) the agreement, contract, or transaction—

"(i) will be entered into solely between institutional participants;

"(ii) will be entered into in connection with a line of business or for hedging or risk management purposes; and

"(iii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

"(3) For purposes of this subsection, the term 'institutional participant' shall be limited to the following persons or classes thereof that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding \$1,000,000 or total assets exceeding \$5,000,000, or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K).

"(G) An employee benefit plan with assets exceeding \$1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80a-1 et seq.), or a commodity trading advisor registered under this Act.

"(H) If otherwise authorized to engage in such transactions by law, any governmental entity (including the United States, any State, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have such financial and other qualifications.

"(d)(1) To the extent that a swap agreement or class of swap agreements (as defined in section 101 of title 11, United States Code) may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt (effective as of October 23, 1974) from all of the prohibitions and requirements of this Act, including section 2(a)(1)(B), such swap agreement or class of swap agreements if—

"(A) the Commission determines that the exemption is consistent with the public interest;

"(B) each party to the swap agreement is a person included in one of the categories specifically enumerated in subparagraphs (A) through (K) of subsection (c)(3) at the time it enters into the swap agreement;

"(C) the creditworthiness of any party having an actual or potential future obligation under the swap agreement would be a material consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement; and

"(D) the swap agreement is not one of a fungible class of agreements that is standardized as to its material economic terms and is not entered into and traded on or through a multilateral transaction execution facility: *Provided, however,* That the foregoing shall not be deemed to preclude any arrangement or facility, between and among parties to swap agreements, that provides for netting of payment obligations resulting from such swap agreements.

"(2) To the extent that any demand deposit, time deposit, or transaction account (as defined in subsections (b)(1), (c)(1), and (e), respectively, of section 204.2 of title 12, Code of Federal Regulations (as in effect on the date of enactment of this subsection) whether indexed or otherwise, may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt from all prohibitions and requirements of this Act, including section 2(a)(1)(B), any such deposit or account if—

"(A) the deposit or account is offered by—

"(i) a United States financial institution that is insured by a United States governmental agency or United States chartered corporation; or

"(ii) a United States branch or agency of a foreign bank that is licensed under the laws

of the United States and regulated, supervised, and examined by United States Federal authorities having regulatory responsibilities for the financial institutions or under the laws of any State and regulated, supervised, and examined by State authorities providing regulatory supervision comparable to that provided by United States banking authorities, and the regulators oversee the financial integrity and customer protection of the deposits; and

"(B) the Commission determines that the exemption would not be contrary to the public interest.

"(e) The granting of an exemption under this section shall not affect the authority of the Commission under any other provision of this Act to conduct investigations in order to determine compliance with the requirements or conditions of such exemption or to take enforcement action for any violation of any provision of this Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements."

SEC. 303. HYBRID COMMODITY INSTRUMENTS.

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsection:

"(h)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in or involving an instrument which meets the following requirements:

"(A) To the extent that an instrument has an embedded or otherwise attached commodity option, the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(B) To the extent that an instrument has an embedded or otherwise attached contract of sale or a commodity for future delivery, on the date of issuance, it is expected that less than 50 percent of the value gained from and payable on the instrument will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued.

This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission.

"(2) Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act."

SEC. 304. INDEX PARTICIPATIONS.

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2) Nothing in this Act shall be considered to govern or in any way be applicable to any contract traded on a national securities exchange whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission by order dated April 11, 1989, or pending such approval on or prior to December 31, 1990.

"(3) The Commission shall utilize its authority under this Act to facilitate the registration of any person who is a person associated with a broker or dealer, or an associated person of a broker or dealer (as defined in section 3(a)(18) of the Securities Exchange

Act of 1934 (15 U.S.C. 78c(a)(18)) for the purposes of marketing stock index futures (or options thereon) to the public."

COMMODITY FUTURES
TRADING COMMISSION
Washington, DC, April 9, 1991.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As you are aware, numerous discussions have occurred in recent weeks between the Department of the Treasury, the Federal Reserve Board, the Commodity Futures Trading Commission, and representatives of the securities and futures industries. These discussions have been aimed at clarifying and conforming our mutual intent regarding Title III of S. 207, the Futures Trading Practices Act of 1991, as reported by the Committee on March 6, 1991.

In accordance with the agreement, I am transmitting to you proposed technical statutory changes to effectuate the agreement reached at the Committee's mark-up. Also enclosed is an explanation of the changes, as well as a statement agreed to between the CFTC and the Department of the Treasury that clarifies our mutual understanding of certain aspects of Title III. The technical changes to the provisions of Title III will ensure the Administration's support for S. 207 and make unnecessary further amendments to Title III. In brief, the changes are designed to assure that:

The "swaps" market will continue to develop in a competitive and innovative environment while permitting swaps dealers to reduce risk through certain margining and payment-netting arrangements.

Exemptions from all requirements of the Commodity Exchange Act will be issued for commodity-indexed deposits in insured banks if the exemptions are not contrary to the public interest.

The new "predominant purpose" test will clarify, not expand, the scope of the CFTC's jurisdiction, and will not alter any other agency's jurisdictional boundaries.

Title III of S. 207, as proposed to be amended, is significant because it will put an end to the regulatory disputes which have delayed passage of CFTC reauthorization legislation since 1989. It achieves long-standing Administration goals of providing more Federal oversight over margins for stock index futures and options, and removing regulatory uncertainties related to the development of new and innovative financial instruments. Finally, it seeks to preserve the existing jurisdictions of the regulators, while providing a more objective determination of where new hybrid products will be regulated in the future.

Your cooperation and support for the clarification of our views has been essential to the successful conclusion of this lengthy debate. Your continued support in ensuring the Senate's adoption of these changes is appreciated.

Sincerely,

WENDY L. GRAMM,
Chairman.

STATEMENT REGARDING CERTAIN ASPECTS OF
TITLE III OF S. 207, AS REPORTED BY THE
SENATE COMMITTEE ON AGRICULTURE, NUTRITION,
AND FORESTRY ON MARCH 6, 1991

As reported by the Committee, Title III amends the Commodity Exchange Act (1) to provide new margin authority in the federal government over margins on stock index futures and options, (2) to grant the CFTC new

exemptive authority over futures products, swap agreements and deposits in insured banks, (3) to exclude from the Act certain hybrid commodity instruments and (4) to exclude certain index participation products from the Act and to direct the CFTC to facilitate the registration of associated persons of securities broker/dealers to offer stock index futures and options to the public.

Title III of S. 207 does not affect the exclusions from the Commodity Exchange Act of products subject to the jurisdiction of the SEC referred to in Section 2(a)(1)(B) or 4c(f) of the Commodity Exchange Act. Thus, Title III does not grant the CFTC authority, or alter existing SEC jurisdiction, over transactions in securities based on the value of a security, as defined in section 2(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934. An example of such a transaction could include a security whose value is tied to the price of the common stock of a particular Fortune 500 company. In addition Title III does not grant the CFTC authority, or alter existing SEC jurisdiction, over securities based on the financial performance or productivity of a single issuer (as defined in section 2(4) of the Securities Act of 1933 or section 3(a)(8) of the Securities Exchange Act of 1934). An example could include a security whose value is tied to the revenue of a manufacturer. Finally, nothing in Title III affects the status of existing products under, or limits, existing CEA exclusions or CFTC exemptions or policy statements, or the existing efficacy of CFTC or staff no-action positions with respect to existing products.

With respect to the exemptive authority over deposits in insured banks, time deposits, demand deposits, and transaction accounts are generally not subject to regulation under the Act, and the amendment to section 4 does not in any way expand the Commission's jurisdiction over such products. Indeed, the provision is intended to have just the opposite effect. There may be circumstances in which such traditional banking products may also have features or characteristics that resemble instruments that are subject to regulation under the Act. The amendment to section 4 requires the Commission to specifically exempt these products from the Act, after notice and a hearing, provided the Commission determines that the exemption would not be contrary to the public interest. This provision therefore recognizes the fact that such products would remain subject to extensive regulation by federal banking regulators.

EXPLANATION OF TECHNICAL AND CONFORMING
AMENDMENTS TO TITLE III OF S. 207, AS REPORTED BY THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY ON
MARCH 6, 1991

Margins on Stock Index Futures—Section 301 of S. 207; no technical or conforming amendments are made to section 301.

EXEMPTIVE AUTHORITY—SECTION 302 OF S. 207

The technical and conforming amendments

The grant of exemptive authority in new section 4(c) has been revised to make clear that the CFTC may grant exemptions to persons who render other services in addition to trading advice with respect to agreements, contracts or transactions. This section has also been amended to make clear that, in addition to net worth, total assets of more than \$5,000,000 or adequate financial guarantees can qualify corporations and other entities as "institutional participants." Certain

other technical changes have been made to the "institutional participant" definition.

The clause regarding the power of the CFTC to revoke exemptions granted under section 4(c) has been deleted as unnecessary. The Commission already is empowered to revoke any exemptions it may grant under current law. In this connection, a new provision has been added applicable to all the new exemptive provisions in Title III to make clear that the granting of an exemption does not affect the Commission's existing authority to conduct investigations in order to determine compliance with the requirements or conditions of the exemption or to take enforcement action for any violation of any provision of the Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.

With respect to swap transactions, the exclusion and exemption provisions have been combined into one, revised exemptive provision for purposes of clarity and administrative convenience and to avoid any inference that any particular swap agreements are futures contracts. The public interest determination required of the Commission to grant an exemption has been changed from "not contrary" to "consistent with" to assure that the Commission remains sensitive to the Committee's intent that this exemptive authority be exercised in this rapidly evolving area with due regard for any adverse impact on the public interest.

The exemptive language has also been modified to assure that eligible swap agreements be exempted from all of the requirements of the Act and that the exemptions be effective as of October 23, 1974, the date of enactment of the Commodity Futures Trading Commission Act of 1974. This will implement the Committee's intent that the exemption is available for all eligible swap agreements, regardless of when they may have been entered into.

In addition, the structure of the exemptive provision has been modified to clarify the Committee's intent that, once the Commission has made the required public interest determination, the governing statutory criteria under the exemption are set forth in clauses (B) through (D). These criteria are intended to be objective. Changes in clause (B) conform to this intent.

The creditworthiness standard for the swap exemption in clause (C) has been revised to eliminate the reference to "negotiation" and to replace it with a reference to "consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement." This is in keeping with the Committee's understanding that while creditworthiness is a material consideration in entering into or determining the terms of the swap agreement, they do not require parties to actually negotiate (or demonstrate that they have negotiated) particular provisions. In this connection the clarifying phrase regarding "any party having an actual or potential future obligation" refers to obligations that create credit risk, not to ancillary obligations, such as obligations to deliver documents or perform (or refrain from performing) financial or business related covenants. This does not limit the ability of parties to undertake any bilateral collateral or margining arrangements to address credit issues. Parties would not be prevented from entering into multiparty arrangements for processing bilateral collateral or margin arrangements in order to minimize the number of collateral or margin transfers. These arrangements

should be distinguished from clearing (as done by exchanges) which would not be permitted under the exemptive language.

The requirement in former clause (D) that the swap agreement not be designed to or result in a trading market was intended to assure that the swaps exemption not be used to evade the law by persons affixing a "swaps" label on a futures contract and trading it in a manner analogous to an exchange. Clause (D) has been refined to achieve this result with greater specificity by the use of two independent criteria.

First, the swap agreement must not be one of a class of fungible instruments that is standardized as to its material economic terms. This will assure exclusion from eligibility under the exemption of the establishment of an over-the-counter market in instruments, the terms of which are fixed and are not subject to negotiation, that functions essentially in the same manner as an exchange but for the bilateral execution of transactions. The reference to material economic terms is intended to encompass terms that define the rights and obligations of the parties under the swap agreement and that, as a result, may affect the value of the swap at origination or thereafter. Examples of such terms may include national amount, amortization, maturity, payment dates, fixed and floating rates or prices (including the methods by which such rates or prices may be determined), payment computation methodologies and any rights to adjust any of the foregoing. Standardization of material economic terms is a necessary, but not sufficient condition for fungibility, as other factors, such as individual negotiation of other material terms or counterparty credit risk also are a consideration of fungibility. As a result of, for example, the existence of common conventions in related markets or the hedging or risks incident to common assets or liabilities, swap agreements may have the same economic terms but yet not be standardized or fungible. Standardization of certain terms, for example, definitions, representations and warranties, and default and remedies provisions, as found in certain forms published by various associations, is not by itself violative of this requirement.

Second, the swap agreement not be entered into a traded on or through a multilateral transaction execution facility. This criterion is intended to encompass essentially an unregulated exchange, including an electronic exchange. It is not intended to include an association of dealers or other participants that engage in bilateral over-the-counter transactions, even where these participants use computer or other electronic facilities to communicate with each other and facilitate the processing of payments and transfers arising in connection with those bilateral transactions. In this regard, the proviso to clause (D) is intended to make clear that its requirements do not apply to a bilateral or multilateral arrangement or facility for the netting of payments obligations, as contracted with an exchange style system that eliminates credit exposure in connection with the extinguishment of transactions which legally offset each other. This is intended to permit arrangements which may reduce overall credit risk to participants.

With respect to exemptions for deposits in insured banks, changes have been made to make clear the Committee's intent that the CFTC grant exemptions from all of the prohibitions and requirements in the Act if the CFTC makes the required public interest determination. In addition, structural changes in the exemptive language clarify that a par-

ticular institution's status as insured, regulated or supervised so as to be eligible for the exemption is intended to be an objective standard that will not require the CFTC to make individual determinations before granting an exemption.

HYBRID COMMODITY INSTRUMENT—SECTION 303 OF S. 207

The technical and conforming amendments

In new section 4c(h)(1) the words "has elements" of an option or future have been replaced by "has an embedded or otherwise attached" option to make clear that the predominance test should apply only when the hybrid instrument includes products subject to CFTC jurisdiction. In addition, in the part of the test dealing with an embedded futures contract, the words "change in the value of the instrument or its performance" have been changed to "value gained from and payable on" to more accurately reflect that both upward and downward commodity price movements are considered in applying the test, other conforming changes have been included to clarify the Committee's intent.

A new sentence has been added at the end of Section 4c(h)(1) which provides that "This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission." The purpose of this amendment is to make clear the Committee's intent that exclusions from the Act under current law continue irrespective of the operation of the new predominance purpose test. In addition, Section 4c(h)(2) has been revised to clarify that any exclusions which do result from operation of the test in section 4c(h)(2) do not otherwise affect the CFTC's jurisdiction under current law. As revised, section 4c(h)(2) provides that "Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act."

Stock Index Participation—Section 304 of S. 207; no technical or conforming amendments are made to section 304.

THE CFTC "PREDOMINANT PURPOSE TEST" FOR HYBRID INSTRUMENTS

Section 303 of S. 207 deals with the regulation of hybrid commodity instruments—those instruments having embedded or otherwise nonseverable commodity option or futures—by means of a "predominant purpose test." The focus of this concept is to look at the instrument from the purchaser's perspective and determine if the purchaser will benefit from investing in an enterprise or from changes in commodity prices. Only those hybrid commodity instruments having a predominant commodity option or futures play would be subject to CFTC regulation.

SEC-REGULATED INSTRUMENTS REMAIN UNAFFECTED

Concern has been raised over whether the language in Section 303 would subject certain currently offered instruments to the hybrid test. First, all traditional commodity futures and options would remain under the purview of the Commodity Exchange Act and would not be subject to the hybrid test. Second, the jurisdictional provisions of section 2(a)(1)(B) of the Act, the so-called SEC-CFTC Accord, would be untouched by this and other sections of S. 207.

This means that all securities and options on securities which are currently regulated by the Securities and Exchange Commission would remain under the SEC's jurisdiction, including stock index options and stock

index warrants. Also, of course, all equity options, equity warrants and option-like securities such as contingent value rights (CVRs) and convertible debt including products such as LYONs would not be subject to CFTC's hybrid test. Furthermore, hybrid instruments combining debt features and options on stock indices such as SPINs and SIGNs would not be subject to the hybrid test and therefore would not be subject to CFTC regulations.

The Commission's position that particular instruments such as certain certificates of deposit and adjustable rate mortgages are not within the purview of the Act would be unaffected by the enactment of Section 303 in particular and S. 207 in general. In this regard, the Commission has always looked to an instrument's overall economic function and underlying purpose in determining whether the instrument is a futures or an option transaction regulated under the Act.

To illustrate, a certificate of deposit or mortgage in which the interest payments are determined by reference to published interest rates or indices of interest rates, are not instruments which are primarily intended to capture commodity price fluctuations. It was on this basis that the Commission noted in its 1989 Statutory Interpretation Concerning Certain Hybrid Instruments (54 Fed. Reg. 1139, 1140 (Jan. 11, 1989)) that certain types of instruments, such as adjustable rate mortgages, employment agreements, leases, and lending and certain deposit instruments, which are indexed to a commodity or a group of commodities (as defined in the Act), are beyond the purview of the Act. As noted, this position is not affected by S. 207.

A DESCRIPTION OF THE TEST

Section 303 excludes from the Commodity Exchange Act (and thus from the jurisdiction of the CFTC) instruments which meet a simple mathematical test determining the value of the commodity price play in the instrument and what predominates: the commodity price play or the investment in an enterprise. Subsection 4(b)(1)(A) refers to instruments which have embedded commodity options; subsection 4(b)(1)(B) refers to instruments which contain futures. The subsections are conjunctive because if an instrument contains both a futures and options play, both sections are considered. Subsection (B) uses the phrase "gain from and payable on" to account for the fact that a futures price play can result in gain or loss apart from the non-commodity component. The CFTC would publish rules providing guidance for calculation methods for determining the commodity option and futures price play of hybrid instruments.

The test is easy to apply to a hybrid instrument containing a commodity option. Such an instrument would be subject to CFTC regulation only if, at its date of issuance, the value of the commodity price play, as measured by the value of the commodity option, is greater than the value of the non-commodity (e.g. bond, note, etc.) component. This is also to say that the hybrid instrument would be required to derive more than 50 percent of its value from the commodity option.

A comparable test can be applied to hybrid instruments containing a futures contract. Again, such instruments would fall under CFTC jurisdiction only if, at the date of issuance, the value of the expected commodity price play associated with the futures contract is greater than the value of the non-hybrid component.

Measurement of the expected commodity price play associated with a futures contract in a hybrid instrument is quite similar to that of a commodity option. The key lies in the fact that the payoffs (or profits and losses) to a futures position can be mathematically replicated with commodity option positions. That is, a futures contract can be theoretically separated into basic option "building blocks." For example, the payoffs produced by a long futures contract can be theoretically replicated with a combination of a long call option and short put option. (Such combined option positions are, in fact, referred to as "synthetic futures" and are often used by market professionals as a part of their trading strategies.) In applying the predominant purpose test, this principle can be used to break down a futures contract contained in a hybrid instrument into two options to which a simple options valuation analysis can be applied.

EXAMPLES ILLUSTRATING IMPLEMENTATION OF THE HYBRID TEST

Following are several examples illustrating the application of the predominant purpose test. The first set are generic examples of hybrid commodity instruments that have embedded futures and options. Included are situations where both the principal and coupon payments may be indexed to the price of a commodity. Specific examples are then given where the test is applied to previously issued instruments including the SOHIO oil-indexed notes and the PERLS and Reverse PERLS instruments issued by SallieMae. Finally, a description is given of two products, SPINs issued by Salomon Brothers and SIGNs issued by the Republic of Austria through Goldman Sachs, in which the investor's payoff was tied to the appreciation in a stock index.

Example No. 1

In the first example we consider a generic example of how the predominant purpose test would apply to a hybrid commodity instrument containing a commodity option.

Consider a firm that issues a hybrid commodity instrument where the principal amount to be paid at maturity is indexed to the appreciation in the price of gold. The instrument will be sold to investors at a par amount of \$1,000, will mature in five years and will pay a coupon rate of interest of 6 percent per year. The amount to be paid at maturity will equal the principal amount of \$1,000 plus an additional amount equal to 2.5 times the price of gold at the maturity date (P_T) in excess of \$400, if any. To summarize:

Hybrid Issuance Price, Par (\$1,000).
Term to Maturity, 5 years.
Principal Amount, \$1,000.
Coupon Rate, 6 percent.
Equivalent Yield, 10 percent.
Commodity Option Payment, 2.5 times MAX (P_T -\$400, 0).

To illustrate the investor's payoff at maturity, if gold is selling for \$420 at the maturity date, then the investor would receive \$1,000 plus 2.5 times \$20 (\$200-\$400) which equals \$1,000 plus \$50 or \$1,050. This instrument can thus be viewed as consisting of a bond plus a commodity option. The potential additional return at maturity, depending upon the price of gold, is a commodity option because the purchaser receives back, at a minimum, all of the principal.

Had the same firm decided to issue a similar bond, but one without the commodity play on gold, it would be required, based on its credit rating and current market rates, to offer investors a 10 percent annual return. Under these circumstances, a five-year bond

paying a 6 percent coupon rate of interest and priced to yield a 10 percent annual return would sell for about \$845. Thus, the difference in the selling price of the two instruments of \$155 (\$1,000-\$845) can be attributed to the value of the commodity option component. Alternatively, option pricing models or other procedures to estimate directly the value of the commodity option component may be employed and would give a similar value (\$155).

As shown above, the value of the commodity price play associated with the commodity option (\$155) is less than the value of the bond component (\$845). Expressed as a proportion of the hybrid instrument's total value (in this case, the price paid for the instrument) at the date of issuance, the value of the commodity option is \$155/\$1,000 or about 15.5 percent. Therefore, since the hybrid instrument does not derive more than 50 percent of its value from the commodity option, it would not fall within CFTC jurisdiction.

Example No. 2

Hybrid Instrument Containing an Embedded Futures

In the second example the predominant purpose test is applied to a hybrid commodity instrument having a futures component. Similar to the previous example, the investor's payoff at maturity is indexed to the price of a commodity. However, the indexing is not one-sided as is the case with a commodity option. Instead, the investor's payoff may be decreased as well as increased depending on the fluctuation in price of the commodity. This is a characteristic of a futures component.

Consider a firm that issues a hybrid commodity instrument containing an embedded futures. Current interest rates are 10 percent and the instrument has a five-year term to maturity. Upon maturity, the investor will receive the principle payment of \$1,000 (the bond) plus or minus the difference between the then prevailing price of oil in five years (P_T) and a pre-determined reference price of \$25 per barrel, times 40 barrels (the futures). To summarize:

Hybrid Issuance Price, \$621.
Term to Maturity, 5 years.
Principal Amount, \$1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 10 percent.
Commodity Futures Payment, 40 times (P_T -\$25).

As constructed this instrument contains a futures contract because the commodity price play is two sided: if the price of oil in 5 years goes up above \$25 per barrel, the purchaser gets back more than the \$1,000 principal amount; if oil goes down, he will receive less than \$1,000 back.

The bond portion of the transaction is, in effect, a five-year, zero coupon bond with a face value of \$1,000. Based on the firm's credit rating and a market rate of interest of 10 percent, the current (discounted) price of such a five-year bond is \$621.

To accurately value the expected commodity price play associated with the embedded futures, we simply translate the futures contract into its "synthetic futures" equivalent—a theoretical short put option and a theoretical long call option. Assume that the computed values of the put and the call each equal \$255. Thus, to measure the commodity price play associated with the futures contract, the absolute values of the put and call are added to equal \$510 (\$255 plus \$255).

As the value of the commodity price play associated with the futures (\$510) is less than the value of the bond (\$621), this particular

hybrid instrument would not fall within CFTC jurisdiction.

If, on the other hand, the principal payment at maturity had been indexed to 60 barrels rather than 40 barrels of oil, the value of the commodity price play associated with the futures contract would have been larger and equal to \$765 (60/40 times \$510). As the value of the commodity price play (\$765) is now greater than the bond (\$621), the hybrid instrument would then be subject to CFTC jurisdiction.

Example No. 3

Hybrid Instrument Containing Both a Commodity Option and Futures

The first two examples presented situations where the hybrid instrument contained a commodity option and an embedded futures, respectively. The next example analyzes a hybrid instrument that contains both.

Consider a firm that issues a hybrid commodity instrument that has both a futures and a commodity option embedded in a bond. Assume that current interest rates are 10 percent and the instrument has a five-year term to maturity. Upon maturity, the investor will receive \$1,000 (the bond) plus or minus the difference between the prevailing price of oil in five years (P_T) and a predetermined reference price of \$25 per barrel, times 40 barrels (the futures). However, if the price of oil rises above \$35 a barrel, the payment will be capped at \$400 based on a \$35 per barrel calculation (the commodity option component). To summarize:

Term to Maturity, 5 years.
Principal Amount, \$1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 10 percent.
Commodity Based Payment, 40 times (P_T -\$25), subject to a \$400 cap.

This hybrid instrument can be viewed as a five-year, zero coupon bond having a face value of \$1,000, containing a futures contract tied to the price of oil subject to a cap which limits the investor's maximum potential payment at maturity to \$400. (A cap is another way of saying an option). Based on the firm's current credit rating and a market interest rate of 10 percent, a five year zero coupon bond would sell for \$621.

To accurately value the expected commodity price play associated with the embedded futures and option, the futures is first translated into its "synthetic futures" equivalent—a theoretical short put option and a theoretical long call option. Let the computed values of the short put (representing the value associated with a fall in oil prices below \$25) and the long call (representing the value associated with an increase in oil prices above \$25) each equal \$255.

Next, because the payment received from a rise in oil prices is capped when oil reaches \$35, the investor in essence is short an additional call option having a \$35 strike price. Assume that the value of this short call option equals \$200. Because the cap eliminates any additional commodity price play for oil prices above \$35, the commodity price play associated with increases in oil prices above \$25 is reduced from \$255 to \$55 (\$255-\$200).

Thus, the total absolute sum of the commodity price play will equal \$55 (for potential increases in oil prices) plus \$255 (from potential decreases in oil prices) or \$310. Because the value of the commodity price play associated with the futures and option (\$310) is less than the value of the bond (\$621), this particular hybrid instrument would not fall within CFTC jurisdiction.

Example No. 4

Hybrid Instrument With Coupon Indexing

In each of the previous examples, the hybrid instrument was designed such that the principal component (the amount to be paid at maturity) was indexed to the price of a commodity. The following example illustrates how the predominant purpose test is applied to a hybrid instrument in which a bond's coupon payments are each indexed to the price of a commodity. That is, the amount the investor receives at each coupon payment date would depend on fluctuations in the price of a commodity.

Consider a firm that issues a hybrid commodity instrument in which the coupon payment is indexed to the price of oil. The instrument will have a \$1,000 face amount, will have a three-year term to maturity, and will pay an 8.4 percent coupon with interest paid semiannually.

However, each semiannual coupon payment will be adjusted by plus or minus the difference between the then prevailing price of oil at each payment date (P_T) and a predetermined reference price of \$30 per barrel, times 1.25 barrels of oil. This instrument can be viewed as a three-year 8.4 percent coupon bond with interest paid semiannually, and a set of six consecutively maturing futures contracts having maturities of 1/2, 1, 1 1/2, 2, 2 1/2, and 3 years. That is, each of the six semiannual coupon payments can be viewed as containing a futures component. To summarize:

Hybrid Issuance Price, Par (\$1,000).

Term to Maturity, 5 years.

Principal Amount, \$1,000.

Coupon Rate, 8.4 percent.

Equivalent Yield, 8.4 percent.

Commodity Futures Payment, 1.25 times ($P_T - \$30$), paid semi-annually.

To measure the commodity play associated with each futures contract, note that each can be synthetically replicated with a long call option and a short put option. The commodity play value of the put and call options comprising each synthetic futures can then be determined by summing their absolute values. The calculated option values are as follows:

Futures maturity	Short put value	Long call value	Absolute sum: Put plus call
1/2 year	\$5.05	\$5.05	\$10.10
1 year	5.84	5.84	11.68
1 1/2 year	8.00	8.00	16.00
2 year	8.83	8.83	17.66
2 1/2 year	9.44	9.44	18.88
3 year	9.89	9.89	19.78
Total commodity price play			96.10

At the date of issuance the value of the bond (which is the present value of the stream of coupons plus the present value of the principal) is \$1,000. Since the value of the total commodity price play associated with the futures contract (\$96.10) is less than the value of the bond component (\$1,000), this hybrid instrument would not be subject to CFTC jurisdiction.

Example No. 5

SOHIO Oil-Indexed Notes

The next set of examples apply the predominant purpose test to three hybrid instruments issued in recent years that contain commodity option and/or futures components. These instruments are the Standard Oil of Ohio (SOHIO) oil-indexed notes, the "Principal Exchange Rate Linked Securities" (PERLS), and the Reverse PERLS instrument.

In the summer of 1986, Standard Oil of Ohio (SOHIO) issued a hybrid commodity instru-

ment indexed to the price of oil. The instrument had a 4 1/2 year maturity and had no stated rate of interest. At maturity investors were to receive a par amount of \$1,000 plus an additional amount equal to the price of a barrel of West Texas Intermediate crude oil in excess of \$25, times 170 barrels. However, if the price of oil at maturity (P_T) rises above \$40 a barrel, the payment will be capped at \$2,550 based on a \$40 per barrel calculation (the Commodity option component). The hybrid instrument was sold to investors for \$970. This instrument can be viewed as being a bond with an embedded commodity option. To summarize:

Hybrid Issuance Price, \$970.

Term to Maturity, 4.5 years.

Principal Amount, \$1,000.

Coupon Rate, 0 percent.

Equivalent Yield, 9.9 percent.

Commodity Option Payment, 170 times MAX ($P_T - \$25$, 0), subject to a \$2,550 cap.

A similar non-hybrid instrument issued by SOHIO at that time, was priced to yield investors an annual return of 9.9 percent. Under these circumstances, a pure discount bond with a 4 1/2-year maturity, a \$1,000 face value, and priced to yield a 9.9 percent annual return would sell for \$654. The difference between the selling price of the two instruments of \$316 (\$970-\$654) can be attributed to the value of the commodity option. Alternatively, option pricing models or other procedures may be employed to directly estimate the value of the commodity option component and would give a similar value (\$316).

As shown above, the value of the commodity price play associated with the option (\$316) is less than the value of the bond (\$654). Expressed as a proportion of the instrument's total value at the date of issuance, the value of the commodity option is about 33 percent (\$316/\$970). Therefore, since the instrument derives less than 50 percent of its value from the embedded commodity option, it would not be subject to CFTC jurisdiction.

Example No. 6

SallieMae PERLS

The next example looks at the 12 1/2 Percent Principal Exchange Rate Linked Securities (PERLS) which were issued in March 1987 by the Student Loan Marketing Association (SallieMae) and were set to mature on March 20, 1990. This hybrid instrument was constructed such that the investor's payoff at maturity was dependent on fluctuations in the value of the Australian dollar relative to that of the U.S. dollar.

The PERLS instrument was issued in March 1987 by SallieMae. The instrument had a three-year term to maturity and a 12 1/2-percent coupon rate of interest with interest payable semiannually in U.S. dollars based on the face amount of the instrument (\$1,000). At maturity the investor was to be paid an amount equal to the U.S. dollar equivalent of A\$1452 (Australian dollars). This is also to say that at maturity the investor would receive the principal payment of \$1,000 plus or minus the difference between the then prevailing U.S./Australian dollar exchange rate in three years (P_T) and a predetermined exchange rate of \$.6887, times 1452. Therefore, the payoffs on this instrument can be characterized as a bond with an embedded long futures contract. To summarize:

Hybrid Issuance Price, Par (\$1,000).

Term to Maturity, 3 years.

Principal Amount, \$1,000.

Coupon Rate, 12 1/2 percent.

Equivalent Yield, 8.75 percent.

Commodity Futures Payment, 1452 times ($P_T - $.6887$).

At approximately the same time, the yield provided to investors on a similar instrument but one without the principal indexed to the value of Australian dollars, was about 8.75 percent per year. Therefore, at the date of issuance, the value of the bond component of the instrument is \$1,091 which is the value of a three-year, 12.125 percent coupon bond priced to yield 8.75 percent.

The futures component of the instrument can be theoretically translated into a synthetic futures equivalent, a long call option and a short put option. Values for the put and call options can be determined based on market conditions as of the date of issuance. The values of the call and put option are \$21 and \$124, respectively. Thus, the sum of the absolute values of the put plus the call, or the commodity price play associated with the futures contract, is \$145, which is less than the value of the bond component (\$1,091). Therefore, the hybrid instrument would not fall under CFTC jurisdiction.

Example No. 7

SallieMae Reverse PERLS

The next example, similar to the previous PERLS example, involves the Reverse PERLS instrument and also has a commodity play related to exchange rate fluctuations. However, in the case of the Reverse PERLS instrument, the bond is combined with an embedded short futures contract. The Reverse PERLS were issued in May 1987 by SallieMae and were set to mature on May 14, 1992.

The Reverse PERLS instrument was issued in May 1987 by SallieMae. The instrument had a five-year term to maturity and a 10 1/2 percent coupon rate of interest with interest payable semiannually in U.S. dollars based on the face amount of the instrument (\$1,000). At maturity the investor is paid an amount equal to U.S. \$2,000 minus the U.S. dollar equivalent of 138,950 yen. This is also to say that at maturity the investor would receive the principal payment of \$1,000, plus or minus the difference between a predetermined exchange rate of \$.007197 and the then prevailing U.S. dollar/Japanese Yen exchange rate in five years (P_T), times 138,950. Thus, the payoffs on this hybrid instrument can be characterized as a bond with an embedded futures contract. To summarize:

Hybrid Issuance Price, Par (\$1,000).

Term to Maturity, 5 years.

Principal Amount, \$1,000.

Coupon Rate, 10 1/2 percent.

Equivalent Yield, 8.75 percent.

Commodity Futures Payment, 138,950 times (\$\$.007197 - P_T).

At approximately the same time, the yield provided to investors on a similar instrument but one without the principal indexed to the Yen, was about 8.75 percent per year. Therefore, at the date of issuance, the value of the bond portion of the instrument is \$1,090 (the value of a five-year, 10.875 percent coupon bond priced to yield 8.75 percent).

The futures component of the instrument can be theoretically translated into its "synthetic futures" equivalent consisting of a long put and a short call option. Values for the put and call options can be determined based on market conditions as of the date of issuance. The values of the call and put option are \$161 and \$42, respectively.

Thus, the sum of the absolute values of the put plus the call, or the commodity price play associated with the futures component, is \$203, which is less than the value of the

bond component (\$1,090). Therefore, the hybrid instrument would not fall under CFTC jurisdiction.

Example No. 8
SPINs and SIGNs

Finally, two instruments are described which contain a bond and a stock index option component. These two instruments are the Standard and Poor's (S&P) 500 indexed notes (SPINs) and the Stock Index Growth Notes (SIGNs). Because the option component in each instrument provides a payment that is tied to the appreciation in a stock index, neither would be subject to CFTC regulation according to the jurisdictional provisions of the SEC-CFTC Accord.

In September 1986 Salomon Brother issued to the public at par (\$1,000) the S&P indexed notes (SPINs). The SPIN had a four-year maturity and a 2 percent coupon rate of interest with interest paid semiannually. At maturity the investor received the principal amount of \$1,000 plus the excess, if any, of the S&P 500 index value over the value of 270.38 times a multiplier of 3.6985. Thus, the SPIN instrument can be viewed as a combination of a bond plus 3.6985 long-term stock index call options each having an exercise price of 270.38.

In January 1991, on behalf of the Republic of Austria, Goldman Sachs issued to the public at par (\$10) the Stock Index Growth Notes (SIGNs). The SIGN had a five-year maturity upon which an investor would receive back the \$10 principal amount plus an interest payment based upon the appreciation, if any, in the S&P 500 index from the date of issuance. This instrument can also be viewed as a combination of a bond plus a long term stock index call option.

As both the SPINs and SIGNs instruments contain options on a stock index, neither would be subject to CFTC jurisdiction according to the SEC-CFTC Accord.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from Vermont would yield a moment so I might express exactly why I am supportive of the efforts of the Senator from Missouri [Mr. BOND] to say let us not do it today.

Mr. LEAHY. Mr. President, I would be happy to yield to the Senator from Kansas without losing my right to the floor so that she can explain to the body why I am wrong.

Go ahead.

Mrs. KASSEBAUM. I say it is not the desire of anyone to see this in limbo. One reason that I, as a member of the Banking Committee, am glad to see we are not rushing for it is the hopes of many of us who believed a compromise was in place some months ago but found all of a sudden there were changes being requested which many of us have not really fully seen even yet as there are new requests for changes being made. That is why I think if we and all of us would agree this is a very important piece of legislation that we have to understand fully what is in it.

I do not see this as a desire to put it off. But I would just say to the Senator from Vermont who is chairman of the Agriculture Committee and had a major role in working on this legislation as well that it is not my desire in any way to stall this, certainly not on

my part, and I am sure not on the part of the Senator from Missouri.

We have lost one of our major players on this issue when we lost Senator John Heinz from Pennsylvania. I think as such some of us who have looked to his leadership on the Banking Committee have to get up to speed with what has been going on in negotiations and what has been actually changing by the minute. That is why I think it is important I would say, Mr. President, for us not to put this off, not to let it be in limbo, but to understand fully what indeed we are talking about here on the floor.

Mr. LEAHY. Mr. President, I would hope the Senator from Kansas knows how much I respect and honor and appreciate all the work that Senator Heinz did on this issue. One of the most important meetings we had in trying to develop a compromise occurred in his office at his request and with his leadership. It was very valuable.

Speaking individually, I have been in a state of shock ever since I heard the news in another part of the world on a tiny portable radio with scratching sound coming through of Senator Heinz' death.

I would like to emphasize two or three things quickly. One, Senator BOND has been a major figure in trying to work an agreement on this jurisdictional issue. Senator RIEGLE has also been a major and much needed figure in this area, as was Senator Heinz. I know the Senator from Kansas, whose State relies very much on these futures markets, has a great interest in this and is one of the more knowledgeable Members of this body.

I do not want to suggest that anybody this week is trying to delay this bill for any reason other than that we are all in a state of shock. I would hope that we might quickly reach a time where we can agree to bring the bill to the floor at some definite time and go forward. That is why I was willing to stay here during the recess.

I think all of us—including the Senator from Missouri and the Senator from Michigan, Mr. RIEGLE—would agree that this is the kind of subject where the diverse parties are never going to be in complete agreement until they know that, at 9 o'clock on such and such day, we are actually going to start voting. It might be next week or the week after. But the important point is that we are not going to find parties making those final commitments to a compromise until they know they have to. When they know that the bill is actually going to be on the floor and actually going to be voted on, then the commitments will be made.

I am perfectly willing to withhold until such time as we can have whatever hearings are necessary. I do not envy the job of the distinguished chairman of the Banking Committee who

has had his hands full with banking issues and nevertheless has moved heaven and Earth to get a hearing next Tuesday morning with figures who would normally take a month to schedule. I commend him for that.

But it has been my experience, having wrestled with this issue now for several years, that until the bill is actually scheduled, there will be no reaching of a final agreement. There are parties, not here in the Senate, both in the executive branch and in the securities and commodities industry, who will not make those final judgments and commitments until they know they have to. That is all.

I yield the floor, and I thank the Senators for their patience.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to follow as quickly as I can. I know two colleagues are on the floor who want to express remarks with respect to Senator Heinz.

While I want, as quickly as I can to follow the remarks of the Senator from Vermont, I would be prepared, if I may reserve my right to the floor, to yield to my colleagues who have remarks with respect to Senator Heinz so they might deliver those now. I will make my substantive remarks when they finish.

The PRESIDING OFFICER. The Senator from Missouri.

The Senator from Michigan has the floor.

Mr. RIEGLE. Yes, I yield without losing my right.

Mr. BOND. Mr. President, I believe we might come close to wrapping up the discussions of this. We did have the distinguished chairman of the Agriculture Committee, the chairman of the Banking Committee, and I have about no more than 2 minutes' worth of comments and a suggestion on this. Perhaps we would know a little bit better where we are going if we could beg the indulgence of our colleagues from Utah and Kansas for I would hope no more than 5 minutes and come to some suggested means of proceeding on this. Would that be all right?

Mr. RIEGLE. I agree with respect to the colleagues. I am happy to proceed and to try to do this in 5 minutes. I am also happy to stand aside and allow others to speak.

I yield without losing my right to the floor.

Mr. HATCH. I wonder if both colleagues would allow Senator KASSEBAUM and me to make our rather short but significant statements eulogizing Senator Heinz, and we will ask that our statements be placed at the appropriate place in the RECORD; then I think you can finish, because I think it will take more than 5 minutes. If we could do that, it will not be a matter of great interruption.

Mr. RIEGLE. I am prepared to yield without losing my right to the floor to either of the Senators who want to speak about Senator Heinz.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the suggestion of the Senator from Michigan. I will be happy to defer to the Senator from Utah and then wait to offer my statement after the conclusion of the debate.

Mr. HATCH. If my colleagues will allow me to proceed, I do not intend to take more than 5 minutes.

The PRESIDING OFFICER. The unanimous-consent request is that the Senator from Utah be allowed to speak. Is there objection? Without objection, it is so ordered.

(By unanimous consent the remarks of Mr. HATCH pertaining to Senator Heinz appear at an earlier point in the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I am going to make just a few remarks to round out the record on this issue. I also will have some things to say about John Heinz. I have spoken about him in the Senate Banking Committee and at earlier hearings we had, and so at a later time I will address my remarks to the extraordinary record of service he gave his country and the feelings I have personally about the tragedy of his being lost to us.

Let me not address that further now but go to the legislative issue in front of us, the question of this CFTC-SEC issue as it relates to the matters in the bill that has been referenced by the Senator from Vermont.

I have great respect for my friend from Vermont. In fact, he and I have known each other for a long time. I first met him about 20 years ago quite by accident on a hillside in Vermont. He was not a U.S. Senator at that time. The fates were with us that day and we met and developed a friendship that has been very deep and strong since that time, so much so that I asked the Senator from Vermont and his wife to serve as the godparents for my 6-year-old daughter, which was about as great a compliment as I am able to pay. So there is very strong feeling between us.

I must say whenever I see my friend from Vermont get up to speak and his head turns red because of what he is talking about, I realize that is a sign he is feeling passion. We do not see that often, but when we do I take account of it, as all of us around here do. I understand his strong feeling on this issue and I think all of us who worked with this over a period of time have an equal feeling of seriousness and concern about these matters and want to see that they are dealt with and dealt with properly.

The problem we face jurisdictionally is that part of this bill addresses issues

that fall, as we would see it, on the Banking Committee within the clear jurisdictional authority and responsibility of our committee. As a result, they have to be matters we address and look at and feel we have responded to appropriately in terms of our duties to the Senate as a whole, to be sure we are able to assert to the Senate that we have examined the part of the bill that relates to our jurisdiction, that we understand it, that we see a full and fair presentation of argumentation is presented, so that all Senators are fully informed to make their own judgment.

I always approach issues from the point of view that Senators should in the end make their own independent judgment on issues. I do that myself. And so our obligation is to make sure we are providing what information and insight is necessary on a complicated and arcane issue like this, that we carry out that responsibility, and I am determined to do it.

When this issue in title III of this bill arose, it was clearly within the bounds of our committee. We undertook to analyze it, evaluate it, and gather expert opinion. One of the first things I did was write to the Chairman of the Federal Reserve Board, and he wrote back to me, in a letter I am going to have printed in the RECORD at the end of my comments, and expressed great concern about aspects of title III of this bill. That immediately caused me some apprehension.

It has been stated and is known that the Chairman of the SEC also has certain operational duties in this area, and himself has expressed, as well, concerns and reservations about part of this bill.

So we have undertaken, now, to call before us as witnesses these regulatory officials, the ones I think are the most important for us to hear from, and from which we should have a public record available to the Senate before we vote.

When I called Alan Greenspan to see when he might be able to testify before us, he indicated he was not able to do it today because he is traveling in another part of the United States. The earliest he could come and was prepared to come—he felt it was important to testify—would be next Tuesday morning.

And so we moved other things aside so he can appear, and other witnesses can appear, and we can draw these issues out, and the Senator from Missouri and I can bring before the Banking Committee a full record that contains the relevant observations and commentary from the chief regulators that have a stake in this issue.

It is not a simple issue. It is not a question of who is more ardent or less ardent in wanting to deal with this problem. We have been trying to deal with this set of issues now for 2 years.

John Heinz is foremost among those who worked so hard, along with many others, to try to do something about resolving these issues. In the past, we thought we were close to answers. Then at the end, for one reason or another, the agreements that seemed to be within reach did not materialize. So we are back again now.

I am hopeful we can work something out here, but we are not likely to work it out ever if one committee—not necessarily intentionally—is undertaking to come forward with something that falls into the jurisdictional range of another committee, when that committee has not had a chance to act in specific, focused detail on whatever it is that is being proposed in the way of a new proposal.

That is why this title III has become so contentious. I just want to say a couple of other things about it, and I will yield.

The issues involved here are very complex, and they are highly technical. As my colleagues know, title III of this bill attempts to define the scope of jurisdiction of the Commodities Futures Trading Commission and by implication, the jurisdiction of the Securities and Exchange Commission and the Federal bank regulatory agencies. Therefore, title III of S. 207 is within the clear jurisdiction of the Senate Banking Committee.

Further, the decisions that we make in connection with S. 207 will have a profound impact on the development of new financial products, often referred to as hybrid instruments, in the United States. I stress the development of these products in the United States, because as we all know, these new products will be developed regardless of what happens here. They will exist somewhere else in the world.

We can, however, make this country's markets so complex or so inhospitable to these products that they will not properly develop here, but in fact develop overseas.

In today's global financial market, the competition is not between New York and Chicago and San Francisco—although there is competition there—but fundamentally, it is between the United States and Great Britain and Japan. In other words, we are increasingly in a global market situation.

I am proud to be able to say we in the United States are currently the world leaders in financial innovation, and we should take great care that we not lose our competitive edge in the financial markets through this or any other legislation.

Frankly, we have not fully considered the ramifications of this bill on the securities and the futures markets. There have been no hearings to gather the views of the regulators responsible for these markets. Most of the securities firms and banks that participate in

these markets have written the Banking Committee to express their opposition to S. 207. So more consideration is needed of these issues before we move forward on such important legislation.

Next Tuesday morning, on April 16, we will have in witnesses and hear the views of the Commodity Futures Trading Commission, the Treasury Department, the Securities and Exchange Commission, and the Federal Reserve Board on S. 207. As I say, we have pushed other things aside—very important things aside—in order to take this up on an expedited basis.

At that time, we will ask the regulators to state their views on S. 207 as it was reported out of the committee, as well as the Treasury-CFTC substitute, which I understand will be offered as a manager's amendment.

Further, I understand that Senators WIRTH and BOND have a substitute amendment that attempts to resolve many of the concerns that have been raised about S. 207. Their proposal should be considered and compared with S. 207 as it was reported out of committee, as well as compared with a possible manager's amendment.

It just would not be proper and it would not be fair to the Senate to bring a matter of this high degree of complexity to the floor until that kind of serious and focused work is done. So we have to proceed in a fashion that allows that it will be done.

I might further say to the Senator from Missouri, I want to commend him for his leadership on this issue. He is on the floor now: Senator BOND. He has worked very hard on this over a very long period of time. He worked with Senator Heinz, endeavoring to try to find an answer to this, over a year ago. We came very close at that time.

I appreciate the leadership that was given then, and I am very mindful of the effort that went into this, and in effect is continuing at the present time. So I want to be sure that that effort, supported by the Senator from Colorado, Senator WIRTH, and others, perhaps, as well, perhaps the Senator from Kansas; I am not sure about that, but we want to make certain we have moved in a fashion here where all these issues are out on the table.

We should move in an expeditious way, but we are not going to run over the edges in terms of a full and careful examination of these issues. When we have a letter from the Chairman of the Federal Reserve expressing his reservations about aspects of the Agriculture Committee bill, and we have a letter from the Chairman of the Securities and Exchange Commission likewise expressing his reservations—both of which I will make a part of the RECORD—and other letters from other major parties of interest expressing their concerns, then obviously we have to take the time to do this carefully

and to do it in a way that will stand the test of time.

I am for making what adjustments we can agree are prudent and sound, and will help us and will give us stronger markets and give us more vibrant markets and give us more economic growth in the future. But we are going to have to take the time required to understand precisely what we are doing.

This is a highly technical area of the law. Rhetoric and passion and sophistry cannot settle these issues; these need thoughtful, quiet, careful, thorough examination. That is exactly what they are going to receive from our committee.

When we feel we have a body of information that is sufficient to bring here to the floor for our colleagues to consider with respect to the part of this that falls within the Banking Committee's jurisdiction, we will bring it here. There is no predisposition one way or the other in our committee to try to tilt this legislation here. It is to make sure all the facts are on the table and we know what we are doing, because everybody is going to have to live with this vote. And the implications of it are very important, making sure we have it right in terms of just the good, sound impact on our economy in the future.

I do not know if the Senator from Missouri would like me to yield, but if so, I am happy to yield to him. Or I will yield the floor shortly if he does not so desire.

Mr. President, I ask unanimous consent that the letter to which I earlier referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, March 15, 1991.
Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and
Urban Affairs, U.S. Senate, Washington,
DC.

DEAR CHAIRMAN RIEGLE: Last week the Senate Agriculture Committee marked up S. 207, the "Futures Trading Practices Act of 1991". The provisions of Title III of S. 207, entitled "Intermarket Coordination", are highly restrictive and seek fundamentally to restrain competition. Title III of S. 207 also contains provisions that would alter the basic jurisdiction of the Securities and Exchange Commission ("SEC") as it has existed, in large part, since enactment of the Securities Act of 1933 and the Securities Exchange Act of 1934. This letter presents my views on the effect that Title III would have, if enacted, on the jurisdiction of the SEC and, more broadly, on the competitiveness of U.S. securities markets.

The impact of this legislation would diminish the vitality and competitiveness of U.S. securities markets internationally. It would also weaken their ability to facilitate the raising of capital for U.S. businesses at the lowest possible cost. As a result of this codification of the most expansive possible interpretation of the commodities laws, most new innovative hybrid securities prod-

ucts, as well as an unknown number of banking products and swaps transactions would, in effect, become illegal if traded or sold anywhere other than on a futures exchange unless licensed or approved by the Commodities Futures Trading Commission ("CFTC"). New products would be barred from heretofore open and competitive markets unless market participants engaged in lengthy and expensive regulatory proceedings to prove to the CFTC that these products should be allowed to exist.

PURPOSES AND EFFECTS OF TITLE III ON SEC JURISDICTION

Under the language of sections 302, 303 and 304 of S. 207 as marked up, for the first time in history, trading in securities on the nation's securities exchanges would depend, by statute, on the affirmative action of an agency other than the SEC. For this reason, these provisions of S. 207 represent a fundamental and highly significant change to the nation's securities laws.

If enacted, this legislation could be read to transfer one of the SEC's most important and fundamental responsibilities, that of defining "securities," to the CFTC. As a result, the jurisdiction of the SEC would be permanently reduced, to the detriment of the SEC's ability to apply a coherent system of securities laws to future development since the nation's capital markets.

S. 207 would also appear designed to transfer jurisdiction over index options products currently listed on the Chicago Board Options Exchange, American Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange and Pacific Stock Exchange (and perhaps even options on individual securities) to the CFTC. New section 4c(g)(B) of the Commodity Exchange Act ("CEA"), added by Section 303 of S. 207, specifies that any transaction "in or involving a commodity regulated under this Act . . . shall be subject to regulation by the [CFTC]." Since stock indexes are treated as commodities for purposes of the agricultural laws, this provision appears designed to transfer regulation of the index options markets from the SEC to the CFTC. Trading in such index options last year exceeded \$2.5 trillion, making them the largest derivative markets for U.S. equity securities. Oversight of the nation's options trading markets has been the exclusive function of the SEC since 1934.

Title III also subjects the very large and highly competitive swaps market, in which major U.S. banks and securities firms are principal participants along with U.S. corporations, to the agricultural laws of the United States under the jurisdiction of the Agriculture Committee. Similarly, S. 207 provides for exemptions from the CEA for many, though perhaps not all, "demand deposits, time deposits, or transaction accounts" within the meaning of the federal banking laws. By stipulating the conditions under which an exemption from the exclusivity clause of the CEA may be provided, S. 207 appears designed to create the impression that jurisdiction over these banking and securities products has been transferred, at least in part, to the CFTC.

Many provisions of Title III of S. 207 appear to have been drafted just before mark-up, without ever being the subject of hearings and without the participation of the SEC. The effects of these provisions, which would represent a very significant transfer of jurisdiction, may simply be the unintended consequences of hasty and ill-considered drafting. Nevertheless, they may do enormous damage to the securities, options and swap markets, which compete with futures

exchanges, if the process moves too rapidly for thorough study of the effects of Title III.

TITLE III IS NOT A "COMPROMISE"

As you know, last year Senators Dodd, Heinz and Bond of the Banking Committee reached a compromise with Senators Leahy and Lugar of the Agriculture Committee. The compromise concerned, among other things, the reforms necessary to curtail the flagrantly anticompetitive "exclusivity clause" of the CEA.

The staff of the SEC worked together with the staff of the Senate Banking and Agriculture Committees for literally hundreds of hours to perfect the necessary legislative language to implement this compromise. This language was formerly included in Title III of S. 207. The SEC testified in favor of this draft language in a hearing held before the Agriculture Committee on February 7, 1991.

At some point between the hearing on February 7 and the markup by the Agriculture Committee last week, the carefully developed compromise language of Title III was replaced completely by the current language of Title III of S. 207, which we understand was still being written during the night before markup. The SEC never testified concerning the new "midnight language", and we did not receive a copy of it until completion of the markup. Indeed, to my knowledge no hearing has ever been held in any committee of either the Senate or the House of Representatives to consider the impact of this language on the nation's securities, banking, swaps and other financial markets. Instead, apparently the future development of the American capital markets is to be governed by the agricultural laws of the United States without consideration whatever of the effect that this change may create.

Title III of S. 207 now represents no compromise at all. Rather, Title III will be read as codifying the most expansive imaginable application of the exclusivity clause. Ideally, those who have promoted the new language can come forward in the open and provide explanations for why it represents sound public policy. After public consideration of the impact of this legislation, Congress would be in a better position to determine whether to continue to allow the agricultural laws to be used to drive innovative new financial products out of the capital markets of the United States.

PROBLEMS WITH TITLE II

Moreover, Title II of S. 207, for the first time in history, would grant the CFTC jurisdiction over broker-dealers registered with the SEC under the Securities Exchange Act of 1934 where any such firm is affiliated with a futures commission merchant ("FCM"). Section 272 of Title II of S. 207 contains provisions designed to create holding company oversight over the affiliates of FCMs in a manner very similar to the authority granted to the SEC by Congress last year as part of the Market Reform Act initiated by the Committee on Banking, Housing and Urban Affairs. In the absence of any provisions that the rules and requirements of the CFTC applicable to the broker-dealer affiliates of FCMs would be conformed to the pre-existing reporting obligations of broker-dealers to the SEC, enactment of Title II would impose substantial additional regulatory costs on securities firms.

The additional and possibly very substantial new regulatory costs that Title II would impose on securities firms would come at a time when earnings are under very great

pressure, and when more than 60,000 jobs have been eliminated in the industry as a whole. Given that FCM subsidiaries of broker-dealer holding companies are typically trivial in size compared with their broker-dealer affiliates, and that holding company oversight already exists for such firms, it is not clear why broker-dealers or their holding company affiliates within the jurisdiction of the SEC should be subjected to such unnecessary regulatory controls and related expenses.

CONCLUSION

In the view of the SEC, it is bad public policy to severely restrict the flexibility of banks and securities firms to design new instruments to serve the financial needs of businesses across the United States as would occur under the provisions of S. 207. I personally believe that the needs of our markets should not be sacrificed to domestic protectionism for any group. Ideally, we should seek to strip away anticompetitive laws like the exclusivity clause, not strengthen and extend them.

At a minimum, however, any decision to so dramatically narrow the traditional functions of the SEC and the flexibility of our securities markets should only be made after public hearings and full consideration by the Committees with responsibility for the financial laws and markets of the United States. Indeed, this legislation would appear to render the reauthorization of the SEC later this year much less meaningful. Whatever you and the Committee can do to restore fairness and order to the legislative process with regard to these proposals so important to the securities laws and markets will be most appreciated.

Sincerely,

RICHARD C. BREEDEN,
Chairman.

BOARD OF GOVERNORS, OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, March 27, 1991.

HON. DONALD W. RIEGLE, JR.,
Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: Thank you for your recent letter requesting my views on Title III of S. 207, the Futures Trading Practices Act, as reported out of the Senate Agriculture Committee. In that letter you ask several specific questions about the regulation hybrid instruments, including swaps, prescribed by the bill. I would like to focus on those matters on which I believe I can be of most assistance to you and give special attention to the treatment of swaps and deposits.

As I have noted in testimony and previous correspondence on these issues, various problems arise from a basic principle underlying the current approach to the implementation of the Commodity Exchange Act (CEA), under which instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but the uncertainty about the treatment of new financial instruments in the United States under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

Clearly, these provisions of the CEA are in need of repair, and I commend the Senate for seeking to make needed changes. However, as I indicated previously, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk. The 50 percent value test embodied in the bill is arbitrary, as will be any procedure for determining the value of the commodity component of a financial instrument, and could yield anomalous results for similarly structured instruments. The exemptive authority given to the Commodities Futures Trading Commission (CFTC) under this bill is narrow and in some cases would prohibit the Commission from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

Instead of this approach, which seeks to exempt certain hybrids from the CEA, it would be preferable, as I have noted previously, to allow such instruments to trade on markets selected by the parties. Thus, equity-related derivative products could trade on either securities or futures exchanges and banks and other financial institutions could offer commodity derivative products where appropriate prudential and investor protection safeguards are in place. In this way, owing to different customer bases, similar products could evolve in ways that best meet the needs of those customers.

In the case of the swap markets, I am concerned not only about the potential adverse effect of S. 207 on competition and innovation but also about its potential to impede the development of netting arrangements designed to reduce counterparty credit risks and, therefore, systematic risks in the financial markets. Last November, the Governors of the central banks of the Group of Ten countries released a report that concluded that netting arrangements, if properly designed, have the potential to reduce the size of credit and liquidity exposures incurred by participants in interbank and other wholesale financial markets, including the swap markets, and thereby contribute to the containment of systematic risk. However, the provision of S. 207 that limits the exemptive authority of the CFTC to swap agreements that are "not designed to and would not result in a trading market in the swap agreement" could prevent the development within the United States of multilateral netting arrangements for swap obligations. Other conditions of this swap exemption authority may also result in a failure to exempt certain existing swap transactions. The enactment of these provisions could push multilateral netting arrangements for swap obligations and the swap markets themselves offshore.

Proponents of the prohibition of multilateral netting of swap obligations have argued that such a system would, in effect, be a futures exchange and, therefore, should be subject to CFTC regulation. There are important differences, however, between a traditional futures exchange and the multilateral netting systems that have been developed in other financial markets. Participation in these netting systems generally is limited to commercial banks and other regulated financial institutions that traditionally have taken an approach to risk management that is fundamentally different from the approach

used by futures exchanges. In designing multilateral netting systems, generally these institutions have adopted decentralized systems that preserve incentives for bilateral risk management (by allocating losses from a default in the first instance to the original counterpart of the defaulting participant) rather than adopting the centralized systems used in the futures industry that mutualize losses without regard to the original counterparties. For such decentralized systems, the regulatory framework developed by the CFTC for futures exchanges seems inappropriate. The case for CFTC regulation is further reduced if those other systems are subject to regulation by another federal agency.

In addition to extending the coverage of the act to swap transactions, Title III also suggests that the CFTC will have jurisdiction over some depository instruments and lending transactions. We do not believe that it is appropriate for banking activities of the federally regulated institutions to be subject to the jurisdiction of the CFTC. Banks are subject to a comprehensive system of federal regulation designed to ensure the safety of the institutions and to protect their customers; there is no need to impose another layer of regulation on their activities, especially where that regulation is designed the meet concerns that are not relevant to banking activities. Further, the bill could be read to preclude banking regulators from overseeing banking transactions that are exempted by the CFTC, a situation that would be inadvisable.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Banking Committee. I would say just a very few things.

No. 1, I appreciate the great work he has done and the tremendous effort to convene this hearing. I think it is going to be important for all of us to find out what the regulators, what the experts in this area, have to say.

Second, I had indicated to the majority leader that I personally had no problems with agreeing to proceed at 2:15 next Tuesday. I am advised that there are other Members who do have such objections. So I wanted to put the majority leader on notice that there may well be objections. I am not personally raising them, but I believe there are others who may object to that unanimous-consent request.

Having said that, I also want to commend my former chairman, the distinguished Senator from Vermont. There were at least three things he said that I agree with. Obviously there were several more I did not agree with.

First, we must move forward to tighten up the regulation in the futures market. I think that is vitally important. I wish we could have done it last year. We must do it, and we ought to do it this spring.

Second, he said we should not hold this up because of a narrow interest, or the interest of some particular individual or individuals. I agree with that,

and I do not think we have any intention of doing that.

Third, he said the original bill which reflected our agreement, which he introduced, was a good one and we should have passed it. And I totally agree we should have passed it. The fact that a number of parties were uncomfortable with it suggests that maybe we had hit the perfect compromise that leaves everybody slightly sullen. However, we did not get that achieved.

The point I make is that the measure which came out of the Banking Committee reflected a proposal, as I understand it, from the CFTC. I do not believe there were hearings on the proposal as it came out in the amendment. I understand there was less than a quarter of an hour discussion in the Agriculture Committee on the amended title III.

Moreover, we had just received copies of an additional modification that came either yesterday or the day before which suggests some additional changes with respect to swaps that had apparently been worked out by the Treasury and the CFTC. Senator WIRTH and I intend to provide a comprehensive substitute amendment which will, we hope, go back to the basic concept which framed the agreement that we had sought to put into legislative language last fall. I hope that all Members will take a look at it, No. 1, and will review very carefully the letter of March 27 from Chairman Alan Greenspan to Chairman RIEGLE of the Senate Banking Committee. As complex and as difficult as this issue is, if my colleagues would only read that letter, I think they would get the flavor of some of the problems we hope to be able to fix by an amendment.

My hope is that by getting started on this measure, we will get the regulators back in the room and get the people who are experts in this matter to hammer out among themselves the tremendously complex details that ought to go into an effective resolution of this issue. A few years ago, the Johnson-Shad accords settled other disagreements between the CFTC and the SEC with respect to jurisdiction. Frankly, I doubt that there are more than one hand of fingers of Members who can explain to you the Johnson-Shad accords. I assure my colleagues that once we get into the details of title III, there are going to be many people who would require a great deal of time to understand it thoroughly.

I hope that by working toward moving forward next week on this bill, giving the regulators a deadline, presenting both sides of the argument, we could have the regulators come up with the details which would make it unnecessary for us to try to debate and vote on extremely technical changes and differences in this body.

However that comes out, in any event, I personally am most happy to

go along with Chairman LEAHY's desire to have it all out on the floor, vote the amendments up or down, and I hope ultimately vote the bill out. I think we must get on with it, and I strongly support the position of the chairman of the Agriculture Committee in that regard.

Mr. DECONCINI. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

WHAT HAPPENED TO PRINCIPLES?

Mr. DECONCINI. Madam President, the war in the Persian Gulf has been won, yet Hitler remains in power. That is the situation we find ourselves in today in Iraq. To compound the moral dilemma, as A.M. Rosenthal wrote in the New York Times last week, "They are killing the Jews again. This time the slaughter, the torture and the forced marches to death are taking place in Iraq and the killers have different names for the Jews. They call them Kurds and Shiites as they spit in their faces and tear the beards of men and throw the women down for rape, before the day's killing."

I did not vote to authorize force after the lengthy and I thought deliberate debate in the Senate. At the time, I believed in the merit of the argument that sanctions had not yet had time to work. Also, it was not clear to this Senator whether the war would guarantee the removal of Saddam and a clean end to the despotic rule he has imposed in that part of the world. Yet, once the President committed U.S. forces to offensive action, I wholeheartedly supported the troops and the President's policy. As a member of the Defense Appropriations Subcommittee, I strongly supported the necessary funding requests for our forces to get the job done. President Bush and the brave, well-trained American servicemen and women earned a brilliant military victory in the Persian Gulf. Kuwait has been liberated. Iraq has apparently pledged to accept the United Nations' imposed cease-fire with its stiff terms. Yet it appears that this victory may be a hollow one. The job is not yet done.

President Bush spoke eloquently before and during the war about the need for a "new world order." He correctly framed the debate in terms of moral principles, not oil. He described our objectives in the region as the liberation of Kuwait and the pursuit of freedom from Iraq's tyrannical violation of international law which that country had imposed on others. These principles, he argued, are the ones under which our Nation was founded and in which the American people believe.

President Bush also called upon the people of Iraq—all of the people—to remove Saddam Hussein, their modern-day Hitler, from power. On February 15, in a speech at the Raytheon Missile Systems Plant, President Bush called upon "the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein, the dictator, to step aside and to comply with the United Nations resolutions." Yet, when the Iraqi people heeded his call, President Bush acted like Ronald Reagan walking away from a helicopter. He cupped his hand to his ear and mouthed the words, "I can't hear you."

The man who called for ending Iraq's aggression on moral grounds became blind, deaf, and dumb. He became blind to the sight of thousands of women and children stumbling into American hospitals after being attacked by Iraqi forces. He became deaf to the cries from the Kurds for assistance in their attempts to topple Saddam. And he became dumb when the world began to ask why a nation so eager to go to war to end one aggression was so slow to respond to another aggression—from the same regime.

The media has speculated that the President and his intelligence advisors had counseled the Kurds into planning military action against Saddam. This is not beyond the realm of possibility. In the mid-1970's, the CIA provided arms to another group of Kurds in Iraq to fight Saddam. An article in the Washington Post details the establishment of clandestine radio broadcasts into Iraq after the invasion of Kuwait compelling the people, including Kurds and Shiites, to rebel.

Regardless of actual contacts between the Bush administration and the Kurdish rebels.

This intrepid band of Iraq Kurds and others were inspired by the President's words, our President's words. These long-suffering people proved their worth in battle and made significant progress in just a few weeks' time. They took advantage of the chaos among Saddam's Republican Guards and captured key cities, Kirkuk and Irbil. They also asked for our assistance, any kind of assistance. The request fell again on deaf ears.

In reality the rug was pulled from under them by an administration which only weeks earlier had implicitly rallied them to arms to overthrow Saddam Hussein.

I understand the concerns that by supporting the Kurdish rebels we would be dragged into another Vietnam-type situation. There are creative methods and channels however to assist rebels and others opposed to Saddam Hussein without committing U.S. forces. We apparently provided the Kurds with arms in 1975. After the cessation of hostilities last month we could have turned over to the rebels captured Iraqi

equipment. We could have provided air cover for the rebels to prevent Iraqi troops from using their helicopters against them.

After all, Iraq violated its vows to use its helicopters solely for transporting government officials and supplies. It used them as gunships against their own people. Even General Schwarzkopf admitted that he was suckered by the Iraqis on this particular issue. We therefore should not feel constrained from responding.

It also has been reported that the Kurdish leadership officially requested the Bush administration to allow its volunteers to fly captured Iraqi Mig's. I am not aware that this request has been acknowledged even as of today.

All that is required is some creative planning on our part. But this planning has not taken place even as of today. In fact, the administration even ignored the initial pleas for help from the refugees facing genocide who fled to the borders of Iran and Turkey, and who are being slaughtered by helicopter gunships manned by Saddam's elite forces.

But it was the French and the British who raised the issue in the United Nations, not our own Government. It is also the British who are now calling for an area of Kurdish autonomy and safe haven in northern Iraq. We may get dragged into finally supporting that. Is not it long overdue?

Where is the leadership that we once had in successfully prosecuting a war, bringing it to a conclusion, and extracting and forcing the Iraqi military from Kuwait? Where is the U.S. leadership?

We were great in leading the war. Indeed we were. But what about U.S. leadership on peace?

This was a war about principles. We went to the United Nations and we argued our cause on the basis of these salient beliefs. Why then does the administration not raise the principle of human rights at the United Nations when Saddam is committing genocide on his own people? Is this yet another example of the Bush administration making policy as it goes along?

It seems to me it cannot be the logical conclusion. The Iraqi troops were in their elements, shooting and gasing fellow Iraqis who happened to be Kurds or Shiites. These are the same brave troops who crumbled and fled under the lightning attack of the U.S. forces in the international coalition. These feared Republican Guards are quick to use phosphate weapons against helpless women and children. It is easy to win when you shoot your target in the back.

Instead of the ounce of prevention which President Bush could have offered the Kurds in their fight against Saddam Hussein he seems to have settled for a pound of cure. He has suggested a little more than \$10 million in

refugee assistance for these estimated half-a-million Kurdish and other refugees. But this is just a downpayment on the hundreds of millions of relief dollars which will be needed.

Just 2 years ago Senator BYRD and I were successful in having \$5 million appropriated for the Kurdish refugees who fled into southern Turkey from Saddam Hussein's last chemical attack. While Congress and the State Department heeded the Turkish Government's call for aid to the refugees, the Turkish Government unfortunately refused to allow this and other international assistance to be distributed to the refugees.

The money President Bush now offers is a Band-Aid approach to a problem which requires major surgery. In what could have been a defining moment in U.S. history, the Bush administration has returned to its old practice of developing foreign policy as it goes along.

A couple of days ago Secretary Baker flew to the Turkey-Iraq border to witness the refugee problem firsthand, and I am glad he did so. I congratulate him on going there and seeing these people as I have seen in the refugee camps in eastern Turkey of Kurdish refugees who have been gassed and run out of their own country. I congratulate him for doing it.

I was there. I saw it, and I know what he saw. And it absolutely shakes you to the marrow of your bones.

I am convinced that this trip of Secretary Baker was a last-minute addition to a schedule because of the pressure the administration has been receiving on this particular issue. If the administration had demonstrated a little foresight and planning perhaps we would not be facing this horrendous refugee problem. But the problem is real. It must be confronted forcefully. Once again it is the case of too little too late because the administration is constructing its foreign policy on an as-it-goes basis and not with any foresight and long-term planning.

I am truly outraged. I encourage the Bush administration in the strongest possible terms to tell Saddam Hussein to end his genocide of his own people within a specified timeframe or face removal by U.S. forces if necessary. This action can be justified. U.N. Resolution 678 authorizes the use of "all necessary means *** to restore international peace and security in the area."

Saddam Hussein's continued brutal attacks against the Shiites, Kurds, and other opposition forces are preventing peace from coming to this region. His actions force the United States and other coalition members to maintain a military presence in the area. Also opportunistic forces from Iran and Syria are taking advantage of the turmoil within Iraq to improve their own international standards, and in the long

term this does not bode well for regional international peace and security, which was our goal in the first place.

Our troops are already in Iraq. The argument is that you cannot meddle with the internal affairs of a country. We are already there. We are inside that country with a sizable military force. It is not like we are on the outside suggesting that we invade, or we go in. We are already there.

They have told reporters that they feel powerless and frustrated—our own troops as they watch the Republican Guard forces fire tank rounds into hospitals and shell hundreds of civilians in refugee camps who huddle in the ditches and alongside the road. This is what our troops who are there in Iraq, not outside, are telling the news media and the American people.

A U.S. Army captain from Toledo was quoted in the Washington Post on March 31 saying that an 18-month-old girl was "shot with a pistol in her chest," up close enough so the powder burn could still be seen.

Another soldier expressed his frustration by saying "There isn't a soldier here who does not want to finish it. They hate this." S. Sgt. Jonathan Santy talked about the Iraqi citizens he had met who were fleeing their country and he voiced his concern that "If Saddam Hussein remains in power these people will truly be destroyed. I do not see Saddam letting these people live and continue and come back to the country. Does anybody?" In essence, our troops feel that they are prevented from completing the job they were sent to do, a job that they did very well.

If the President refuses to issue this ultimatum to Saddam Hussein, then he must fully explain to the American people and to the world the administration's policy and future goals for this region. Where is that new world order?

What is the President's vision for this region of the world? Do we have a blueprint for the future, or even a road map to indicate the direction we are going? Can President Bush look the United States soldier currently in the buffer zone in southern Iraq in the eye and justify his lack of action? Can he congratulate these men and women for fighting the good fight in January and February only to allow Saddam Hussein to gas his own people, commit genocide, and ruthlessly remain in power in March and April of the same year?

I also urge President Bush, at the very least, to use his authority to ensure the broader issue of the Kurdish human rights and self-determination is made an integral part of the regional peace talks. The Kurdish people must not be forgotten once again, as they have been in the past.

In fact, President Bush could expand upon the concept of a safe haven in northern Iraq. He could call upon the

United Nations to establish an independent semiautonomous Kurdish entity in this region. This area, whose security could be guaranteed by U.N. forces, would provide a homeland for the Kurds and a sanctuary for a people which has known only suffering and animosity through almost all of their history.

It also would ease the crush of refugees currently crossing the border into Turkey and Iran. This would do that if they had a safe haven, one that was going to be backed up by the United Nations and the United States, if necessary. It would be a costly effort but, again, a principle that this country could stand tall, as we did in the end of February when this war came to a conclusion at that time.

I recognize that taking this step would cause considerable concern within the Turkish Government and others in the region. But again, this is a moral issue. It must be raised with our friends as well as our adversaries.

In the end, human rights must be respected. The United States can stand tall, and does stand tall, in the world because it has never relented on talking about human rights, particularly in Eastern Europe and the Soviet Union.

Where are we when it comes to human rights in the Middle East? In our beliefs as Americans, we need a vision and leadership, and we need that leadership and vision to include human rights.

Madam President, if you do not do this, we send the dangerous signal to Saddam Hussein that it is once again business as usual in the Middle East, that human rights only apply in Europe, or in other areas, but not here. We won a war on a principle, and even maybe human rights was discussed during those debates. But now that the war was won, and the Iraqis are out of Kuwait, where is the human rights issue now? Not to be discussed. Not to be impressed by the President of the United States. Not to be a fundamental moral principle, once again, as it relates to dealing with Saddam Hussein.

We tell those who are oppressed in the rest of the world that the United States lacked the backbone to resolve the tough issues which cannot be easily resolved at the end of a gun. We say human rights one day, yes; but the next day, no. Human rights as to the Kuwaitis so that they can have their country back? Absolutely.

This Congress supported the President unanimously in his action, once he took that action. And yet, that "Hitler," Saddam Hussein, is still in power. Where is the human rights principle now, as it should be applied against him? We are losing more than we know by not finishing the job. It is one thing to win the military war; it is something else to lose the peace.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. D'AMATO. Madam President, yesterday, I, along with the vast majority of my colleagues, attended the funeral services in Pittsburgh for Senator John Heinz.

Many things were said about Senator Heinz and his career in words eloquent, elegant, and true. I have in mind especially the moving tribute by the Senator from Colorado, and the beautiful and stirring sermon of the Senator from Missouri, who presided.

No attempt to duplicate or surpass those words would be appropriate, and none will be made here. Instead, Madam President, I want to take a moment to engage in a personal recollection of this extraordinary man who was my colleague and became a friend.

What I found in John Heinz, in over 10 years of working together, was a bright and invariably well-prepared, stunningly hard-working, and deeply committed public servant who managed to be all those things with grace.

I came from different circumstances than John Heinz. But then most people do. Some are born with the proverbial silver spoon in their mouths; some of us, perhaps with toothpicks; John Heinz had the whole place setting. What set John Heinz apart was not his many blessings, but how he applied them and shared his talents and gifts.

Much of my association with John Heinz was through our work together on the Banking Committee. Madam President, you and I know that in this body we are all students. We learn, each from one another, and we share our experience. John Heinz was, by education, training, experience, and natural facility, a real expert in the often arcane world of finance, financial institutions, and securities regulation. He had a deeply grounded understanding, born of broad study, careful thought, and rigorous intellect many of us—certainly this Senator—benefited from his knowledge and expertise.

What helped make him my friend, and the friend of many, was how he shared it. His knowledge and his astute insight were freely offered—sometimes to persuade, always to inform, never to dominate, embarrass, or condescend. Like the staff that he strictly trained, of which he demanded so much and was so proud, he was always helpful.

We did not agree on everything. But I have to say that he and I came to agree on more and more things regarding issues before the committee, as time went on. At the very least, I always learned from him and his positions; even on things on which we disagreed usually helped clarify my own thinking.

No one who served on a committee with John Heinz will forget his incisive persistence. His questions often were like barbed hooks: complicated but pointed. And woe to the panelist or witness who tried to bluff or extricate himself with a glib, superficial response. He found the Heinz hook hard to extract.

But neither that hook, nor anything else from John, was envenomed. Never in alliance or enmity did I hear rancor from John Heinz. That was part of his grace.

It is particularly ironic that the committee and the Senate lose Senator Heinz as we face several complex and critical issues—new banking powers, further dealings with the ongoing S&L crisis—in the months ahead. He anticipated many of the problems we will now have to resolve. In fact, over the last few months, John and I had had frequent conversations about how to address them and found much more common ground in our concerns. As usual, I learned a lot from his thinking. We had looked forward to working together to meet some of these seemingly intractable challenges.

Tragically, we will not get that chance. His keen analysis, his institutional memory, his stubborn impatience with the poorly thought-out, and, especially, his unique grace, will be sorely missed in that debate.

I cannot say much more that has not already been said about John Heinz elsewhere and probably better. But to me personally, he represented this body and the best, I think, that we hope is in each of us: Commitment without zealotry, independence without spite, integrity without an ounce of self-righteousness.

He was gifted, giving, and utterly honest.

Madam President, I look around this Chamber on an average day and see all of these qualities. It is hard to imagine soon again seeing, as when John Heinz was here, so many in one man. I will miss him.

[Applause in the visitors' galleries.]

The PRESIDING OFFICER. The Senator from New Mexico.

If the Senator will withhold a minute, the Chair would like to advise those watching the proceedings of the Senate that applause, and other demonstrative means, is not allowed within this Senate, though the Presiding Officer recognizes the depth of feeling that was expressed in acknowledging an equally eloquent expression of a depth of feeling.

The Senator from New Mexico may proceed.

U.S. HUMANITARIAN AID TO IRAQI REFUGEES

Mr. BINGAMAN. Madam President, we have watched over the last week as the plight of the Kurdish refugees from

Iraq has gone from bad to worse. Questions of whether we should have continued military action with Desert Storm longer than we did, or whether we should have denied Iraqi forces the use of the air against the Kurdish, will only be answered by history. However, we can, here, today, answer the question of whether the United States bears some responsibility for the Kurdish refugees. We do bear the responsibility of aiding these people, of doing what we can to ensure that they are not starving, and not freezing to death, or dying of disease due to the conditions of the camps along the border.

We bear that responsibility not only because of what we did in the Persian Gulf but because of why we did it. Because it is here, in the faces of these men, women, and children living in terrible conditions along a desolate border, where the new world order really begins. We flexed our muscles and showed the world that aggression will not be tolerated. Now we need to open our hearts and show the world that we will fulfill our responsibilities in peacetime as well as in war. It is past time that the United States lift its full part to aid these refugees and begin providing humanitarian aid with the same enthusiasm with which we provided military aid.

Madam President, by March 27 Iraqi forces had defeated the Shiite rebels in the south and begun attacks against Kurds in the north. By April 1 the Kurdish rebels had been forced into retreat. On April 5 the United Nations adopted Resolution 688 calling upon Iraq to stop its attacks against Kurds and seek a dialog with the rebels, the same day that the first of the refugees began crossing the Turkish border. The trickle of refugees during the first few days of April quickly became a flood; yet little was done to assist them.

As of last Monday, April 8, Turkey and a handful of other countries had provided \$67 million in aid to the refugees, which presumably included the \$11 million in aid President Bush proposed on April 5. On April 8 Secretary of State Baker saw firsthand the terrible conditions in which the refugees are living; at the same time an assistant to the U.N. High Commissioner for Refugees was describing the U.N. relief efforts to that point to be totally inadequate. The European Community responded by immediately pledging \$180 million in aid.

The United States, also, has undertaken a relief effort over the last 2 days. The U.S. Air Force has been active in air dropping supplies provided by the international relief effort, and efforts are under way to identify more supplies that could be gathered and air dropped to the refugees. The United States is responding to the plight of the Kurds, but it is late, and it is simply not enough. A reported 1.5 million Kurdish refugees have entered or are

trying to enter Turkey and Iran. As the numbers swell, the U.N. relief effort remains inadequate, and the U.S. response continues to be dwarfed by the magnitude of the suffering.

Madam President, if the United States can mount an international effort to oust Saddam Hussein from Kuwait, surely we can mount an international effort to provide food and shelter to helpless refugees. We can help these people, and we must help these people, but to do that requires leadership, a leadership that we have not seen from the administration. We must lead by example, as we did in Desert Shield and Desert Storm. An immediate, large-scale effort to provide aid must begin now. We must begin now to bring the international community together to focus on the plight of the refugees, just as we brought the international community together to focus on the plight of the Kuwaitis.

This is where the new world order begins, Madam President. The international community reacting to a threat, as it did to Saddam, is one thing. The international community reacting to fellow humans who are suffering is another. I hope that we will react with as much unity and sense of purpose as we did in Desert Storm. And I urge President Bush to provide the leadership.

JOHN HEINZ

Mr. BINGAMAN. Madam President, I would like also to make a few short statements about Senator Heinz, our former colleague.

I have heard many of the tributes that have been made today, and I did have the honor to attend the funeral service in Pittsburgh yesterday with many in this Chamber.

We all shared the admiration and affection that has been expressed for Senator Heinz, and it is as though we all recognized the finest tribute to this good man was the one which he himself offered in the life that he lived. A man of conscience and compassion, John Heinz directed his considerable talents and his resources and his enormous energy to the benefit of others. It was a privilege to know him and a pleasure to serve with him.

If it is true that "life is not so important as the duties of life," as John Randolph once said, then John Heinz succeeded brilliantly. He sought duty, and he carried it easily. For all his responsibilities, for all those duties, I think his finest achievement is the beautiful family he and Teresa created. Their sons are outstanding, as all who know them will agree. And their mother is a truly remarkable person. To those four people who were the center of John Heinz' life go our prayers that they will know some comfort and peace in the hard days ahead. I hope they will

know, also, that John's life was a great example of public service to us all, and that in itself is a wonderful legacy.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

SADDAM HUSSEIN'S GENOCIDE

Mr. D'AMATO. Madam President, today we have a beautiful memorial in the Capitol rotunda. It was a memorial to the 6-million people who lost their lives in the Holocaust. There were sentiments expressed of the fact that we will never forget. As part and parcel of that, it seems to me, are interwoven certainly an expression of our outrage and our shared outrage and our shared commitment to see that this kind of genocide, that was forgotten that somehow people looked the other way while it was taking place, never take place again regardless of to whom or to what group.

Madam President, I have to say to you I am shocked, I am appalled, I have a difficult time understanding how it is that this Nation and the world community indeed sits back again and allows genocide to take place, allows Saddam's killing machine to kill people, women, children, civilians, because they may be Shiites or because they are Kurds, because they are sympathetic to those who seek to break the shackles of oppression.

The world inaction today takes on even more ominous terms because there can be no excuse. People cannot claim that they do not see it or they did not know. It is happening. It is taking place.

So that beautiful memorial and all the memorials and tributes that we give in the name of those whose lives have been snuffed out really become empty rhetoric as long as we fail to deal with Saddam Hussein.

I am not going to get into the particulars of whether or not there should be an enclave to represent sanctuary for innocent women and children.

It seems to this Senator, though, that that would be a rather modest thing. It seems to me that the great power that the allies have in that region certainly could be used to stop the killing machine, and that he and his generals should be told quite clearly: If you are going to use your power against innocent civilians, we will crush that power. That is the voice of righteousness and the action of righteousness, not a lot of biased, sanctified prayers without backing them up with action.

How dare we talk about we are going to hold the memory of whoever has been oppressed in the Holocaust or in any other genocide dear and sacred, and we will never forget, when that is exactly what we are doing. Well, we are

doing it in a much more despicable way because we turn our back on that which we see on our own TV screens.

Yes, the world may have claimed 50 years ago: We had no knowledge; we did not know. We never had any idea. Well, do we have any idea now? Do we make ourselves feel better because we are going to send \$10 million or \$20 million or \$30 million or 50 million dollars' worth of humanitarian aid? Do we make ourselves feel better, and say: Who knows; we might have somebody who is even worse than Saddam Hussein.

I have reporters tell me, "Well, Senator; my gosh. Who will take his place?" Is that a reason not to deal with evil; not to crush him; not to stand up for those who are being oppressed?

Madam President, while we like to say how appalled and shocked we are, and we commit ourselves that never again will we allow this to take place, I suggest that all of us have a great deal of work to do to see to that that becomes a reality rather than empty rhetoric.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 812 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIES OF OUR COLLEAGUE, SENATOR JOHN HEINZ

Mr. MOYNIHAN. Madam President, as have so many of our colleagues in the past days, I rise to speak of my memories of and deepest attachment to our colleague, the late Senator John Heinz.

Senator Heinz and I came to the Senate together almost 15 years ago. From the first, we served together on the Committee on Finance. Many shared interests that would have brought us together in any event provided an institutional setting in which we not only shared concerns but could act together. And over 15 years, which is a great gift in this Republic to have served that long in this body, there is no member of the committee with whom I worked more often, more closely than he.

I followed him so much—and I would want it recorded, as it often is overlooked, that for about half this time, Senator Heinz' party was in the majority and it was not only for leadership that we looked to him but, in a sense, for the ability to act in areas of such great concern to him. None took a greater priority than children and the health of children.

We were much involved in legislation all through those years and even now we are about to bring measures forward which I hope can still be done and which I hope the bill in particular—it is a freestanding bill but has also been incorporated in S. 4—it remains my hope that the bill may yet be named for him if we can provide passage in this year.

We worked on Social Security matters. He was chairman of the Committee on Aging, a select committee in this body, and he was as active and informed as anyone could ever be in the matters of the finance of the Social Security system and of the finances of the senior population of this Nation, if I can use that comparison. He knew what the income streams of elderly senior Americans were. He knew what aspect of those finances were provided through Federal pension benefits, and he was fierce in the protection of those benefits.

With the great candor that came from great confidence, he knew the Social Security system as an executive might. He was trained to business; he was trained to numbers; he was trained to understand cash flows, reserves, probabilities, actuarial expectations. He loved those numbers. You can only be good at them if you love them.

I stand here with the silent acquiescence of the distinguished Presiding Officer as one who has never learned to love numbers as one ought, but respect those who do and could love John Heinz for doing.

I do not mean in any sense to bring—it is not a partisan issue but an issue that does divide us among ourselves with respect to the merits. But at one point in January a year ago, he and I were on the "Today Show," the NBC morning show. We were together at the NBC studios here in Washington. We were being interviewed from New York by a person whose voice we could hear but we could not see. He and I were sitting together and at one point, the anchorperson in Washington said, citing a reference I had myself cited to an editorial in the Rochester Democrat and Chronicle, which had referred to the use of Social Security funds as if they were general revenue, I referred to this as thievery, and I had repeated that. The anchor then said to Senator Heinz, "Senator Heinz, would you agree with what is going on is thievery?" And he rose to that marvelous

executive indignant pose he could provide us on occasion and he said, "Certainly not, it's not thievery, it's embezzlement." That from the most authoritative corporate officer who has served in this body for many years.

He not only cared about the well-being of the aged, but he understood their finances, and he understood the finances of the Social Security system as no one I have known in this body. He could read balance sheets as if they were musical scores. They meant things to him. He could see scales, understand the weight of numbers. He could measure the proportion of balances in a way that only a very special, trained mind, with innate capacity and a very real training, could bring to such a discipline.

With all this that extraordinary sense of fun. He could not have done it so well if he had not enjoyed it. He could not have enjoyed it if it had not been fun.

We shall not see the likes of John ever perhaps in this Chamber. It may be part of American history that we leave behind a person, a man of social position, trained in the private sector of the economy, who in midlife entered the public sector.

As I said at the moment I heard of his death, if much was given him, he gave more, and much is given any of us who is fortunate enough to be born in this Republic in this century. Few will have returned in that sense as much as he did.

The hearts of all of us go out to his beloved wife Teresa and those three fine young men. Two of them clearly have their father's hair, and the other for the moment has chosen to have a crew cut, not instant evidence. But if they have anything like his heart and his brain and his sense of responsibility to his people, we are to be endowed in yet another generation.

He and I were neighbors, of course. I will never forget the first night I spoke with him on the floor about a regional matter. It was in the spring of 1977. There was a great storm in my part of New York where we happened to live, where the Susquehanna River rises. I came to him to say, "John, you should know that the Susquehanna is over its banks at Oneonta and on its way toward you." I could have told him that someone dear to him and loved by him was in danger. He responded, "If something's going to happen to Pennsylvania, I have to know about it."

It was not an abstraction. Pennsylvanians were not abstractions. They were his people. He was their Senator in a way few of us could ever achieve.

I would simply record how much in my view he is missed and how long I hope we will remember what he stood for and what he achieved.

Thank you, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

Mr. MOYNIHAN. Mr. President, for myself and Mr. D'AMATO and others, I send to the desk a sense-of-the-Senate resolution. There are 15 Senators who joined in an earlier resolution concerning the plight of the Kurds which I submitted on Tuesday: My distinguished colleague and friend from New York; Senator PELL, the distinguished chairman of the Foreign Relations Committee; and Senators BRADLEY, GORE, DECONCINI, BINGAMAN, FORD, LIEBERMAN, WELLSTONE, LEVIN, SARBANES, INOUE, JEFFORDS, and KERRY.

Today I rise to introduce another resolution concerning this crisis. This resolution simply states that with respect to the situation that is developing in Iraq with the Iraqi Kurdish refugees in the northern part of the nation, it is the sense of the Senate that we support action of our Government in supporting the recent resolution of the Security Council. The Security Council has called upon the Iraqi Government to cease its extraordinarily brutal treatment of Kurdish refugees in Iraq at this time.

I would make one point—I ask the distinguished Republican leader if he would hear me on this, and I am sure he would agree with me—that the United States in supporting the Security Council resolution, which I believe was introduced by the French, called for a halt to these attacks. We are all aware that the attacks violate article 3, "Common Article 3" as it is called, of the Fourth Geneva Convention of 1949, and that is the convention relative to the protection of civilians in time of war. Each of the four Geneva Conventions has the same article 3. It is specifically provided that the absolute prohibition upon attacking persons "taking no part in hostilities" applies even in the case of a civil war. And this is a treaty of which Iraq is a part, of which we are a part.

It was our initiative, and it arises out of the Nuremberg Tribunals. As a treaty this is the supreme law of the land, and we must congratulate the President and his administration for taking this position at the Security Council.

Under article 25 of the U.N. Charter, member states are obliged to abide by such Security Council resolutions. The Security Council resolution found that Iraqi attacks internally had posed a

threat to international peace and security. This is one of the very few times the Security Council has ever invoked that provision of the charter with respect to an internal matter.

It is an important action and deserves, in my view, to be acknowledged here in the Senate and to be supported.

This language, contained in Security Council Resolution 688, has important legal consequences. It triggers the provisions of chapter VII of the U.N. Charter. That is the section of the charter which deals with "action with respect to threats to the peace, breaches of the peace, and acts of aggression". Article 39 of the charter states that—

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

The Security Council has now determined that such a threat to the peace exists. It has ordered, not requested, not pleaded with, but ordered Iraq to immediately end this repression of the Iraqi civilian population and to cooperate with the Secretary General and humanitarian organizations in providing for the relief of Iraqi refugees. As I have mentioned, Iraq is absolutely bound by article 25 of the charter to obey this order of the Security Council. Yet Iraq has continued its attacks. We have some reports that in the last 2 days the Iraqi Army has not conducted operations against civilians in the extreme north of the country, but we have no assurance whatsoever that attacks on all civilians have stopped, that they will not resume with their former intensity or that Iraq will cooperate with the Secretary General and humanitarian organizations.

Under these circumstances the United States has the right to ask the Security Council to fulfill its mandate under the charter to "decide what measures shall be taken in accordance with articles 41 and 42 to maintain *** international peace and security." It most certainly should do so. And swiftly, before there is further loss of life.

There are those who may argue that the Security Council will not act. This seems a curious argument given the history of the last 9 months. The Security Council, having shaken off the lethargy of the cold war, moved swiftly to enact chapter VII sanctions against Iraq when it invaded Kuwait. At the initiative of the French, it has now ordered Iraq to cease its illegal attacks on its citizens. If Iraq refuses, or if it fails to cooperate with the Secretary General and the U.N. High Commissioner for Refugees, chapter VII contains the tools to enforce the order of the Security Council.

Mr. President, the resolution I am introducing today strongly encourages

the administration to press the Security Council to enforce Resolution 688 immediately. The situation is desperate. These attacks are illegal. The charter, created in the midst of the greatest conflagration in human history, provides the tools to deal with a threat to the peace. With the cold war over we have seen a new willingness to use these tools to keep and restore the peace. If we are to have a new world order it must mean that we truly commit ourselves to using those tools. A blueprint for the new world order exists. It is called the United Nations Charter. It can, it should and it must be used to stop the illegal slaughter of the Kurdish people.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I am not certain whether there will be a unanimous-consent request propounded to consider the resolution, but I advise my colleagues there are a couple of minor areas we could resolve if we could get consent. Otherwise, I would be constrained to object.

Mr. MOYNIHAN. Mr. President, I sent the aforementioned resolution to the desk and I ask unanimous consent for its immediate consideration. I believe it requires unanimous consent.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I have no objection to sending it to the desk. But I do object to its immediate consideration, I again say.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) concerning the protection of refugees in Iraq.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I object. And I point out as I did before that there are a couple of minor areas we hope to be able to resolve in the language. If we do that, then there would be no objection to the resolution. I am not certain it can be done yet this evening. We are willing to work on it.

The PRESIDING OFFICER. The Chair understands the resolution will be held over under the rules.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I was very pleased that our staff had the opportunity to work together with the senior Senator from New York [Mr. MOYNIHAN] as it relates to the resolution which was sent to the desk and which will not be taken up for immediate consideration.

I believe that the issue is one that cannot be put on the back burner or put to the side. Indeed, it has been put to the side. It has been put on the back burner for too long by the world com-

munity. I think our country has lacked the fervor and direction necessary to deal with the slaughter of innocent men, women, and children.

I have heard these arguments about, well, my gosh, who is going to take over if Saddam is not there? May it not be a situation that would be catastrophic? I think the catastrophe is now, and that we are really literally doing little, if anything, to stop that killing, to stop the annihilation of people simply because they are Kurds or they are Shiites.

One of the areas that we speak to that I do not believe is objectionable in this resolution is maintaining economic sanctions against Iraq.

Here we are, the United Nations, about to pat itself on the back. It is about to say job well done, and, that provided Saddam meets certain requirements called for by the U.N., economic sanctions will be lifted. That means he is going to be able to sell oil. He is going to be able to raise about \$300 million a week worth of revenue—\$300 million a week. That is what he will raise when he sells oil.

Why should we be supplying this killer, this thug, this international terrorist, with the means by which to keep himself in power? Oh, yes, he is going to have to meet certain requirements. He will have to pay some reparations so a percentage of that money—and obviously since the money goes through pipelines that flow through Turkey and Saudi Arabia we will be able to set up a formula whereby some of these monies will go to help pay reparations for the rebuilding of Kuwait.

What about the innocent people now? Do we just turn our backs? It defies logic to say that we are going to make believe that it is not happening. It is just like we made believe that Saddam Hussein was not using chemical weapons to kill Iranians. But after all, these were only Iranians. That was the argument. This is the enemy of my enemy.

So we made him a friend—political expedience. I remember when Senator MOYNIHAN, Senator PELL, and myself were here on the floor saying, my gosh, what are we doing? What are we trading? Why are we subsidizing this madman? I was met by a bevy from both sides of objections. "We should not stop trade. Let us give the killer a chance. He has promised he is reformed."

We repulverized most of his army but we left some of it off the hook for whatever reason. But it happened. Who would have thought they would have undertaken to continue the maniacal conduct of Saddam Hussein after they saw the power that we could exercise in the free world. But they did.

I am not going to second guess that. I do not think one person is going to second guess the fact we brought the war to a conclusion. I support the President. As a matter of fact, if he

had continued another 24 hours the media of the world would have come down on him and it would have been George Bush, the President, who was unnecessarily killing people. That is what would have happened in the real world we live in. Let us make no mistake about it.

So all of those wonderful, gifted Communists would have condemned him if he had not stopped. He stopped at the right time. No one could have really recognized or foreseen what is taking place. But we see it happening.

Now there is no excuse. Are we going to stop and say well, the sanctions will be lifted because he has agreed to the terms of the U.N. resolution? Are we going to give him \$300 million a week? That is what the revenue stream will be for the sale of his oil so he can continue to buy the armaments, to buy the loyalty, and to rebuild himself—not the people.

This is incredible. This is madness. And what are we attempting to do? I will tell you. We compound the madness because just like the idiot who has lost his way and has a headache. He is trying to deal with his headache by pounding his head with a hammer.

We do not want to go in, and it should not be our place to try to establish the format of government. But I think the world body does have an obligation and an opportunity to see to it that we do not support in any way, and yes that we penalize and punish a government that is killing its own, punish it—deny it trade, deny it sanctuary in the world community.

We cannot give the Kurds sanctuary but we are going to give Saddam Hussein and the Iraqis sanctuary. We are going to give him cover. We are going to let him have normal trade and intercourse with the world community. It is incredible.

I would like to see all of those other things we call for in the U.N. cease-fire resolution be carried out. I do not think it will happen if we cannot deal with this situation now. It is not too late. We have hundreds of thousands of people living in caves, mountainsides, roads, in ditches, babies being born, babies dying, innocent women and children dying. We cannot find the moral courage to do what is right. I say "we" because we are part of this acquiescence. We have to wait for the French to come forward and exercise this resolution.

You know, springtime is here with the opening of baseball season. We are all interested in games going on. Everything is being conducted just like all is right in the world. All is not right in the world. This is a tragedy. I think that each and every one of us have a very shared responsibility.

Why are we here if we can treat this with such indifference? Why are we here if we are afraid to raise our voice to this tragedy? Is it because there are

no Kurds in the United States? Is it because there is no great political support for Shiites in the United States? Is it because we have such a fear of the Iranians and the Shiites, and the Iranians who are Shiites for the most part might constitute some kind of problem? Is that why we can just stand by to see them slaughtered, to see the innocent being victimized? Is that why we find it easy? Are we practicing again the failed policy that brought us over the past decade to this situation, the politics of practical political expedience? Are we adopting the philosophy that the enemy of my enemy is my friend? That is the policy that got us into this situation. I do not mean to personalize it.

But the same people who advised the State Department and our Secretary of State are the architects who are carefully crafting out and carrying out the what if's, what if Saddam is gone, what about the Lebanonization? The Lebanonization of Iraq could not be worse than what is happening today.

So while I do not want troops and soldiers to spill their blood in Iraq, I think that the United Nations has an obligation and we have an obligation to see to it that we come to the aid of these people.

Certainly by saying to the leaders of Iraq, "We will not allow your oil to be sold on the world economy, we will keep economic sanctions in place," at the very least that may sober them to the point of recognizing that Saddam cannot be continued in power.

I thank my distinguished colleague, the Senator from New York [Mr. MOYNIHAN] for his leadership in this role, and I look forward to continuing to work with him and Senator PELL and others who demonstrated a concern. This is a test of what we are about.

Mr. MOYNIHAN. Mr. President, I would like to acknowledge the implacable integrity of my colleagues from New York and his willingness to say what has to be said when it has to be said on this subject. I thank him for his remarks.

I yield the floor.

Mr. President, I ask unanimous consent that Senate Resolution 99, placed over under the rule earlier, be modified with the changes I now send to the desk, and that Senators PELL and DOLE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 99), as modified, is as follows:

S. RES. 99

Whereas Kurds, Shiites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees; Now, therefore, be it hereby

Resolved by the Senate, That:

The Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Rhode Island.

STOP IRAQI GENOCIDE

Mr. PELL. Mr. President, a catastrophe, without precedent since World War II, is now taking place inside Iraq. Up to 3 million Kurdish Iraqis face the triple threat of death through exposure, through starvation, or through military assault by a vengeful Iraqi Army.

Eye witnesses, including a staff member of our Foreign Relations Committee, have reported on Iraqi tactics. They include relentless bombardment of Kurdish cities by artillery and helicopter gunships, the massacre of civilians in areas recaptured by the army, and the use of such unconventional

weapons as phosphorous artillery shells and napalm.

Several million Kurds have left the cities of northern Iraq to seek shelter in the high mountain valleys and, now, in Turkey and Iran. Because the Ba'ath regime systematically destroyed every village in Kurdistan, the refugees inside Iraq have no shelter and there is no source of food in this once rich agricultural region. The refugees who reached the mountain areas did so mostly on foot and such food as they had they brought with them. By now this food is gone.

We need to provide relief to the millions of Kurds on the Iraq-Turkey border, inside Turkey, on the Iraq-Iran border, and inside Iran. I appreciate the efforts both Turkey and Iran have made to help the Kurds but both countries must do more. It is not acceptable to leave starving people in a freezing cold environment exposed to military attack. And the United States has an obligation to endeavor that the financial burden of these refugees is borne not by Turkey and Iran but by the whole world community.

Most of all, the world must take effective action to stop the killing now. We should communicate to Saddam Hussein that killing of civilians is not acceptable and that he must stop. To do this, I would prefer the use of United Nations sanctioned force but, if necessary to save lives, the United States could shoot down helicopters and conceivably bomb the artillery that is now chewing up Iraqi civilians. In saying this though, I must emphasize that I would oppose the use of any United States ground troops.

The United States has some responsibility for what is now going on inside Iraq. The slaughter of civilians is one of the unintended consequences of our military intervention. Further, the Iraqi rebellion was encouraged by the administration with statements that unintentionally led Kurds and Shi'a to believe the United States would help them overthrow Saddam Hussein. As it now turns out, President Bush did not mean to help. But at a time when the United States is aiding rebels opposed to the Governments of Angola, Afghanistan, and Cambodia, it is understandable that the Iraqis believed that the American President's statements also meant they would be helped.

Not since World War II have so many people found themselves in such peril so quickly. We must act now to stop the slaughter. More than a million lives may depend on what we do in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senators GORE, LEAHY, and MITCHELL be added as cosponsors to the resolution that is now before the body.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. May I also take just a moment to express the great appreciation which we have for the efforts Senator GORE has made, and the contributions he has made in drafting this measure. He is necessarily absent from the Senate at this hour but wants very much to be recorded as being part of this debate.

Mr. President, I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. DOLE. Mr. President, as the Republican Leader of the Senate, I am honored today to pay tribute to my friend and colleague John Heinz.

If there was ever any doubt about the kind of impact John had on this institution, or his beloved State of Pennsylvania, all you had to do was see the outpouring of love and respect we witnessed yesterday at his funeral in Pittsburgh.

It was an overflow crowd of admirers who came to say farewell to this good man from Pittsburgh. It was a gathering that included almost the entire U.S. Senate, and thousands of friends, and constituents, who wanted to say "Thank you" for his lifetime of dedicated public service.

One man at yesterday's service probably said it best when he told a reporter, "I don't usually pay that much attention to politicians, but he was such a gentleman and decent human being that I just had to come."

No doubt about it, it was a touching and powerful reminder that John Heinz made a difference—not only here in this Chamber, and in Pennsylvania, but throughout this great Nation.

I can tell you all about John Heinz' dedication, his commitment, his determination: I was his leader, his Chairman and his colleague. And I am proud to say, I was also his friend.

Once he grabbed on to an issue, he never let go. Pennsylvania never had a better friend, or a better champion. Yesterday's impressive crowd was a fitting demonstration of those two facts.

Mr. President, we will all miss John Heinz. But we will never forget his vigor, his quick smile, his dogged determination, his charm, and his legacy of achievement.

I also want to pay special tribute to Senators JOHN DANFORTH and TIM WIRTH, who spoke so eloquently at yesterday's funeral. Their words were comforting and powerful, moving and personal. They were the words we needed to hear. They are the words we will remember as we recall the life of this special public servant from Pennsylvania.

Our thoughts are with him today, and with his family—a courageous and loving family that says so much about the man we came to know, and to admire, and now, to mourn.

TRIBUTE TO JOHN TOWER

Mr. DOLE. Mr. President, it was 30 years ago this year, when John Tower first took his seat on the Senate floor. As a Republican from Texas, many in this city wrote him off as a historical accident.

Well, in his 24 years in the Senate, John Tower would prove that while his election was no accident, he would, indeed, make important contributions to American history.

What John lacked in height, he made up for in love of his country. He was a patriot through and through. In World War II, he enlisted in the Navy at age 17, and when he retired from the Senate, he did so as an active enlisted naval reservist.

I never had the privilege of serving as John's leader, as my selection as leader came the same time as John's retirement. But I did have the privilege of regarding him as my leader on matters of national defense.

Although John Tower made a difference on countless issues, his military background and his love of country, led him to devote a great deal of time to strengthening America's security. As a member of the Armed Services Committee in the 1970's, he fought for a strong defense and secure America, when the cause was not popular.

And how fortunate America was that when it came to understand John Tower was right, he was chairman of the Armed Services Committee, and in a position to do what needed to be done.

But, as Senator COHEN so eloquently stated on Tuesday, John Tower was no captive of the Pentagon. It was John Tower who initiated the study on reforming the structural organization of the Joint Chiefs of Staff. And it was John Tower who voted to terminate unnecessary weapons systems built in his home State. John knew that the protection of America and her people transcended pork barrel politics.

His dedication to our national security continued after he left the Senate. President Reagan called upon him to serve as chief negotiator in the strategic arms reduction talks, and as chairman of the special review board on the Iran-Contra affair. And his good friend, President Bush, relied on his counsel and wisdom on the Foreign Intelligence Advisory Board.

John Tower's influence will be felt for many years to come. His dedication was seen in America's victory in the gulf. His vision will be seen in the best-trained, best-equipped military force in the world. And his good judgement will be seen in the contributions of those he brought to Washington, and who now serve in important positions throughout the Government.

John Tower entered the public arena unknown and underestimated. And when he and his daughter, Marian, tragically left the arena last week, he

left behind 30 years of distinguished service to Texas and America, and a nation much the better for his life and service.

JACK HEINZ

Mr. ROCKEFELLER. Mr. President, I rise not first, but indeed as one of the last Senators to talk about Jack Heinz, and I do so with the same sorrow that others have expressed. I refer to my former colleague in the Senate as Jack Heinz because I had known him for over 20 years, and if you had known him for over 20 years, you called him Jack; if you had not, you called him John.

In either event, he was the same person. His wife, Teresa, and my wife, Sharon, and Senator WIRTH's wife, Wren, are extraordinarily close friends, each of them very similar in their views, sometimes rebelling against the protocol of the Senate; Teresa, from Mozambique, bringing a kind of a zest, unpredictable and deeply artistic sense into all of our lives.

Those of us who went to the funeral in Pittsburgh yesterday were extraordinarily moved, and I think it was a combination of several things: One, that the Heinz family has had enormous influence and effect on Pittsburgh, and one hears about that and one understands that abstractly. But one felt that intimately yesterday. One felt the passing of generations.

I looked at his son John, his oldest boy, and his son Andre, they are very very close, very devoted friends to both my daughter Valerie and my son John. And I looked at Chris. I listened to them speak and told them afterward that they had achieved manhood as they spoke about their father. To do that, to go and speak about somebody that you love, indeed somebody who sired you, and to do so with such a dignity, and with such distinction, and with a sense of poetry and yet with a sense of command, almost a great eloquence, a simplistic eloquence. It was wonderful to watch. Theirs were by far the most eloquent tributes.

Mr. President, the concept of public service is appealing to many, and there are many who get into it. There are also many who get out of it because it turns out to be a lot more difficult than people anticipate. It is not something where one is covered with glory, but where one is sometimes covered with criticism and particularly, if one has a name like Heinz in Pennsylvania or anywhere in this country, people expect magic from you. If you do not produce magic, people are quick to criticize. Jack understood that, and he stayed with politics as long as he lived and could have stayed with politics as long as he wanted to.

Jack Heinz was in business. Jack Heinz was a Harvard MBA. He was trained to do many things, and he had

an opportunity to do many things, but he decided that it was public service and public service in that particular part of the country which over the last decade or so has come, as the Presiding Officer well knows, to suffer the very most, to lose the most jobs.

Jack Heinz never lost an election, never lost a job in his life, but his entire life was about people who had lost jobs or were facing the prospects of losing jobs because of the way other countries would plan their economies, manage their economies, protect their fledgling industries, subsidize their industries and thus come to be at a substantial advantage over us. He was outraged by that.

When I came to the Senate in 1985, Jack and I quickly turned to working together on a whole range of issues. Over these past 6 years, we have been allies and collaborators in efforts dealing with worker retraining, assistance for import-injured workers, trade policy affecting the steel industry, home health care, Medicare, health benefits for retired coal miners, and the list goes on and on and on.

We served on the Finance Committee together, taking an active interest in many of the same issues. Over the past 2 years, we were cochairmen of the Senate Steel Caucus, and together we doggedly and successfully fought for the extension of the Voluntary Restraint Program for America's steel industry. We served on the Pepper Commission together, and debated, deliberated, and sometimes even argued over the many difficult questions that arise in trying to craft a solution to our Nation's major health care problems.

Our common interests were, of course, not accidental. Jack Heinz represented a State, Pennsylvania, that has much in common with mine. Both West Virginia and Pennsylvania have gone through some rough and painful times, and both are now struggling valiantly to recover. We have watched coal mines shut down, steel plants close their doors, and jobs disappear or flee to other countries. We have fought against budget cuts that unfairly hurt the weak and vulnerable in our States. We have stood up for many of the same causes, because we were standing up for the people of West Virginia and Pennsylvania.

In fact, I always knew that when West Virginia needed help, I could go to Jack Heinz and get a sympathetic ear and an outstretched hand. He believed that Congress should step in to help those with just and urgent needs, and he acted accordingly—even when it meant going out on a limb.

Through his two decades of service in Congress, Jack Heinz has left a bigger mark than most. As we have read and heard over the past several days, his legislative legacy is long and remarkable. He played a leading and influen-

tial role in shoring up the Social Security fund and protecting it for years and years to come. Time and time again, as chairman and then ranking member of the Senate Aging Committee, he exposed the abuses, the problems, and sometimes the outright fraud in both Government programs and private industry that were hurting the well-being of senior citizens. Year after year, he was the voice for American workers and fairness in trade policy, and in insisting that workers who were laid off because of imports were not left out in the cold.

Jack's high standards were obvious to all of us. We saw them in his tenacity and persistence as he pressed the Senator to act and to move. We saw them in the breadth and scope of his legislative goals, and in the many successes that he accomplished. We saw them in the way he pushed himself to take on new horizons and take up new crusades, looking straight into the future and helping the people of Pennsylvania and the entire Nation go forward and meet the challenges ahead.

There was a way Jack had of standing there, with all of the Senators, late at night wanting to get out and furious at him because he would stand over there, straight as was his posture, just straight as an arrow, absolutely unmoved, unphased by the withering glances of either his colleagues or the leadership, or any Senators from either side of the aisle, because he knew what it was he wanted to do. He was willing to bring the Senate to its knees to accomplish what was needed for the sick, for the elderly, for the poor, for the displaced, for his constituency in Pennsylvania. If it was that that he chose to fight for, then the rules of the Senate could be set aside as far as he was concerned.

It has been said, I think rather frequently, that Jack was a quick study. That is important to repeat. He was extremely smart. You cannot trade on brains. In business that makes a difference, and in the U.S. Senate it makes a difference.

JACK DANFORTH, who I admire enormously, gave a tribute to him yesterday, a homily, as they called it, which was extraordinarily moving. He said that life is basically about getting and giving. He said that Jack Heinz got a lot—and he did. He had a lot, whatever he needed, the best of education; but that he gave much more and that his life was about giving; that he died in the service of his country and on the line, on duty, so to speak, going from one meeting to the next.

Let us be proud of Jack Heinz. Let us think back to those nights when he caused us to be here longer than we wanted to because he believed so passionately in his people, particularly the poor and the elderly and the vulnerable. Those were the people who

needed help. He understood that, wanted to help them, and did.

He was a master of many subjects and understood not only health care and trade policy but the minutia of many subjects, far more than most of our colleagues. He used that knowledge to drive a hard bargain and to better serve the people of Pennsylvania and the Nation.

So, my love goes out to Teresa and to John and to Andre and to Chris for the hurt they are now going through.

Mr. President, there is never a proper time for death, but Jack's was truly premature. He left a torch, however, that many of us can and must pick up—a torch for the people of Pennsylvania, for coal miners and steelworkers, for the elderly and children, for urban and rural people, and for many others whose needs should always be our first concern.

I join all of my colleagues in expressing my appreciation to the life and career of a fine public servant, a good husband and father, and to a friend.

JOHN HEINZ

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator ROCKEFELLER, from West Virginia, for his outstanding tribute to a fallen colleague, Senator Heinz. I wish to join him in that tribute.

John Heinz, I am proud to say, was my friend, my colleague for the last 11 years I served with him. I have a lot of very fond and affectionate memories of John and Teresa. My heart goes out to her, certainly, and to their boys, John, Chris, and Andre for the terrible pain, sorrow, and suffering they are going through. Certainly all of our country and all of Pennsylvania is suffering at this time because we have lost a great American, a great Pennsylvanian.

He is one who has made very valuable contributions in many fields in Congress, whether we are talking about Social Security, Medicare, education, whether we are talking about steel or agriculture—you name it. John Heinz was a fighter for Pennsylvania. He was a fighter for senior citizens.

He was a very positive American. He had a lot to offer, a lot to give, and he contributed much in his 20 years of public service in the Congress. I compliment him for that. America is better off for his contribution. Ultimately, he gave his life for our country.

He gave freely of his assets. He gave freely of the asset that most of us prize more than anything else and that is of our time—for public service.

I am reminded what the Bible says, "Greater love hath no man than this, that a man lay down his life for his friends." John Heinz gave up his life in service to his country, performing his duties, duties he performed exceptionally well. John Heinz will be missed in

this body. He will be missed in Pennsylvania. He will be missed in this country. I certainly call it a pleasure to have had the opportunity to work with him.

I remember when he was chairman of the Senate Campaign Committee back in 1980, the year Republicans regained control of the Senate, he played a very valuable role in making that happen, including in the election of this Senator. I have always felt very close to him, personally, and to Teresa as well.

Like Senator ROCKEFELLER, I was moved when I heard each of his three sons make a tribute at his funeral yesterday. John Heinz has to be very, very proud of his three sons. I certainly was proud of them. I commend them for their statements, I commend them for their maturity, for their leadership, for the outstanding future they have. I know he has to be smiling upon his sons from Heaven and be extremely proud of them.

I extend my condolences and my sympathies and my prayers for Teresa and also for their three sons.

JOHN TOWER

Mr. NICKLES. Mr. President, last Friday America suffered another tragedy and that was the loss of a good friend and former colleague, Senator Tower from Texas. I, like many of my colleagues, attended Senator Tower's funeral last Monday.

Senator Tower will certainly be missed by this Senator and, really, by Texans and Americans alike all across the country. He made a very valuable contribution to our Nation, certainly in the area of national defense.

I remember John Tower when he was chairman of the Armed Services Committee, a committee that he commanded with great strength, integrity, and dignity. He helped rebuild our Nation's defenses. He played a valuable role in the success that we had in the Persian Gulf, but I do not know that anybody thanked him. He helped rebuild America's defenses. He helped give us the military capability to where we could be successful in the Persian Gulf, and I compliment him for it.

He was a true leader in the Senate. Not only was he chairman of the Republican Policy Committee, but he was a leader on the floor of the Senate. He always conducted himself in a manner which I think would show great respect to this body. My sympathies are extended to Lilla and also to his two surviving daughters and my condolences, certainly for the loss of not only John Tower but his daughter Marian.

I remember his three daughters standing by his side when he was nominated for Secretary of Defense. It had to be an inspirational moment to see his three daughters standing by him through a very turbulent confirmation

process. They showed their love for John Tower.

In many ways, John Tower has certainly contributed to making this country a better country, a freer country, a more respected country worldwide, not only in this body as a Senator, but after he retired from the Senate. He served, leading our arms control delegation in Geneva in successfully negotiating positive arms control agreements to help improve peace and security in this country and in the world. He was a tough negotiator, an able negotiator, and I doubt anyone in the country could match John Tower in his knowledge on arms control and the armed services of this country.

John Tower will certainly be missed by this Senator, by Texans almost everywhere, and by all Americans as well. He has made a very positive contribution to the betterment of this country and we will certainly miss him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A GREAT STATESMAN AND NOBLE LEADER—JOHN TOWER

Mr. SIMPSON. Mr. President, let me just take a moment to pay tribute to the memory of John Tower. I was able to pay tribute to our departed friend, John Heinz, the other day. It is a very eerie feeling to be on the floor of the U.S. Senate and have the floral tribute to our colleague just a very few feet away, a very extraordinary feeling for the occupant of the Chair as it is for this Senator from Wyoming.

And on we go in our life's work, and we have chosen those hazards. There is not one of us who has not been involved in that kind of hazardous activity with small aircraft.

It was a magnificent service, touching remarks of the Senator from West Virginia [Mr. ROCKEFELLER] and tomorrow we shall have a memorial here at National Cathedral at 10 a.m. I know there will be a great outpouring of affection and love, as there was yesterday in Pittsburgh when nearly 80 of us were there to pay our tributes.

I speak briefly and note that the hour is late and we are ready to conclude.

But with regard to John Tower, I have just a few remarks. When I came to the U.S. Senate, my father, who is still living, told me, "I was in the Senate with John Tower," and indeed he was. He said when I came here in 1979 to get to know John Tower; "you will

like him. He is sharp, and bright, and irreverent, and a lot of fun, too, and tells an awfully good story, too. He has been a great help to me."

I took that counsel. And so the first days I was here I looked up Senator John Tower. I believe his phrase was, "Are you Simp's kid?"

I said, "I am."

He said, "I love your father, and I will get to enjoy working with you."

John Tower treated me with great kindness and regard when I was a freshman in the Senate. I never forget those expressions to me.

I just want to say I want to pay tribute to this former colleague, this friend who served this Nation and the people of Texas with great distinction for 4 terms as a Member of the U.S. Senate. We owe him a great debt of gratitude for his years of service. We lost a great statesman, a noble leader, and a good friend.

It was my pleasure to serve with him during my first term in the Senate, which turned out to be his last term. I came to know him well. He brought great honor and dignity to this Chamber. He was a very special man. He loved a good scrap, good debate, stood toe-to-toe with the best of them, and in many cases made the difference on tough legislation.

He was energetic, bright, strong, faithful, and loving, and tough. He was also quite direct in his dealings with his colleagues, and I am sure with his constituents and others. One day I remember very distinctly he came to me and said, "You are going to go to a fundraiser in Dallas for me."

I said, "No, I'm busy that weekend."

And he said, "No, you're not."

So as I stood there, all 6 foot 7 inches arrayed in total fashion, and he at 5 foot 4, or 5, looking up at me, tapping his cigarette case, with that look. And I said, "OK, I will go. I will." And I did.

We had a lot of fun. I remember that, too. But I think his greatest achievement, and it should not go unnoticed, was his role in shaping the Nation's defense and defense policy during the years he served on the Senate Armed Services Committee, and as chairman of that committee from 1981 to 1984. He demonstrated some extraordinary leadership and skill in carrying out the Republican defense agenda, his extraordinary and detailed knowledge of defense issues, his eloquence in articulating ideas, his brilliance in debate and his pure talent as a legislator were admired by all of us who worked with him. He was an exceedingly capable man.

I think we should also acknowledge his important role in preparing the Nation's military for the recent success of Operation Desert Storm. His tenure as chairman of the Armed Services Committee coincided with President Reagan's first term in office, and during that time he was a leading advocate for

modernizing and expanding the military. He worked closely with Cap Weinberger.

He took a lot of flak. They took a lot of political heavy artillery for their activities. And he served as a central player in Congress as President Reagan worked to strengthen our military and defense capabilities.

In recent weeks, we paid some richly deserved tributes to our military leaders and troops who demonstrated great competence and brilliance in planning and carrying out the military operations in the Persian Gulf. I just conclude in saying let us not forget to do the same for John Tower whose influence and forcefulness as a lawmaker were responsible in part for ensuring that our troops were equipped with the best weapons and the best technology available.

His public service did not end when he left here voluntarily, because then he went on to serve as chief negotiator for the United States at the strategic arms reduction talks with the Soviet Union in Geneva. And he came back to us and gave us great counsel and guidance.

Then he served as chairman of the Tower Commission, a special panel that investigated the Iran-Contra affair, and chairman of the President's Foreign Intelligence Advisory Board. In each of those roles, he used his awesome skills and abilities and knowledge for the betterment of his country. He pursued every endeavor with great zeal and vigor. John was a tenacious fighter whose presence and impact was unmistakable, not just in the Senate but in every arena that he entered. So we mourn his loss, a great American, a special human being.

I recall with a pang of sadness of 2 years ago when we rejected his nomination for Secretary of Defense. The memory of that nomination battle is still painfully clear in my mind, but that is not a memory I care to dwell on too long at this time. There are many reasons, many things happening, but there were some grotesque rumors and some totally unsubstantiated gossip and reports, and it brought him down. That was very painful for him. That was a very tragic and regrettable exit.

He offered much and he gave much and he was startled that that happened to him. I remember distinctly his daughters sitting here in the gallery, and after the debate, and I remember Senator LLOYD BENTSEN of Texas in a very gracious act was walking from this Chamber, and the girls came up to him and told him how much they appreciated what he said about their father. I happened to hear it as our colleague from Texas gathered the three of them in his arms and told them how hurt he was, too, that had occurred. That was a beautiful thing to observe.

We do owe him a great debt of rich gratitude and appreciation for his long

years of public service. Let us always remember him as a very special man in every respect. He enriched our lives here. We all learned much from him. We worked with him, and we shall miss him greatly.

So to his two dear daughters, and other members of his family, our deepest sympathy, and regard, and appreciation for his life in this Senate and country well lived. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

SENATOR JOHN HEINZ

Mr. DOMENICI. Mr. President, I rise for just a few moments to make a couple of comments about deceased Senator John Heinz.

First let me say to his wife, Teresa, whom I know not well, who my wife Nancy speaks so highly of that I feel like I know Teresa, when my wife Nancy indicates what a splendid wife, woman, Teresa Heinz is, I cannot help but say that is how it must be. But let me say to her and the children and others who are interested in our remarks here on the floor that I am going to be very brief, but I hope that they do not think that my brevity is a measure of my respect and admiration and, yes, fond memories of John Heinz, for none of those would be small or little. Quite to the contrary. Congratulations to those who nurtured and brought John Heinz to the Senate and to the positions of leadership that he held while he lived. Thanks to all of you.

To his immediately family, let me say no one can really understand how all of this happens. Nonetheless, it has happened. It is this Senator, the Senator from New Mexico, who got to know John Heinz well. It is my hope that the life that he lived with you and for us and for his people and for this country will now permit you to have great memories, and it will nurture all of you as you strive to be better and to achieve what he would have wanted of you.

I close by once again saying everything that should be said about his work here in the Senate, his assignments and his enthusiasm, the breadth of his efforts, has been said. I will not say it again.

I will merely say that I am aware of his significance to our Senate, to his State, and our people. I am fully aware of his enthusiasm, his vibrancy, his energy, and his accomplishments in the years he was with us. It is my hope that while his death is not understandable or explainable or comprehensible, it will not leave us hopeless or faithless but, to the contrary, that as difficult as it is to see hope in something like this and to have faith as the result of feeling and observing something like this and sensing it and thinking about it, nonetheless it will build our strength and the family strength and

the strength of those who loved him and cared for him in some immeasurable and unintelligible way. Thank you again, John Heinz, and thank you to his family, and thank you to his widow Teresa for all they did in helping him help us.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I ask unanimous consent that I may be allowed to proceed as if in morning business for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank the Chair.

SENATOR JOHN HEINZ

Mr. EXON. Mr. President, it is with a heavy heart that I look to my right and across the center aisle to the flowers on the desk of our very dear departed friend and my friend, John Heinz from Pennsylvania. I will be going to his memorial service tomorrow at the National Cathedral.

Mr. President, I guess the Senate is very difficult for those who do not fully understand it. There are only 100 of us, and while we differ on issues from time to time, while we have very strident debates over issues that are important to each of us, there is a comradeship. You cannot work with people, as I have worked with John Heinz for almost 13 years, without becoming well-acquainted with them.

John Heinz was one Member of this Senate for whom I had nothing but the highest regard. I did not know his wife well. Mr. President, I do not believe that I have ever met his children. But since I knew John Heinz, I feel I know them.

John Heinz was not only a very talented Member of this body, a very respected leader in this body on a whole series of issues, but, more important than that, I guess, as we remember John Heinz, I will remember him as a man of intellect, a hard worker, a man of good cheer with whom this Senator had lots of fun over the years as we carried out our Senate duties.

I think it is not inappropriate, and I think that if John Heinz were here he would agree—and he is here in spirit—to tell a story about John Heinz that maybe puts our relationship into perspective as to what two good friends are, he a Republican and myself a Democrat.

Many, many years ago the Republican Party National Committee sent

me a card giving J. JAMES EXON sustaining membership in the national Republican Party. I have never knowingly donated any money to the Republican National Committee, but I proudly carried this card around in my billfold. From time to time, in a good-natured fashion, I used to show it to my friends on the other side of the aisle to show that although I had not given them any money, I was an honorary member of their national committee and I had this certification to prove it.

John Heinz was one of those Senators on that side of the aisle who always got a chuckle out of that. I will never forget one day he was making a very heated speech on some subject. I have no idea what it was. I was on the other side of the issue. After he finished his talk, I went over and sat down next to him and I said, "John, I could not disagree more with what you have just said, and I want you to know I am so upset that I am going to destroy my Republican National Committee card." I had a pair of scissors, and I clipped it up in about four or five pieces on John Heinz' desk, and we had a good laugh.

I will always remember John as one easy to talk to. If you wanted to point to somebody in the Senate who looked like a Senator, acted like a Senator, and was a Senator, in the full embodiment of respect, trust, never a question as to his integrity and a true hard worker, and still a family man above everything else, I suspect that there are not many we could point to who would be more outstanding in that regard than our beloved and departed friend, the senior Senator from Pennsylvania.

So I only say to his wife and his children and the rest of the Heinz family, as saddened as they are and as much as my heart goes out to them at this time, I ask them to thank the Lord that John Heinz was with us, taking time away that he should have been spending with them, the family.

I thank them for that sacrifice they have made to us, and recognize and realize that John Heinz did indeed make his mark in the U.S. Senate in service to his country that he loved so very much.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

THE LATE SENATORS JOHN HEINZ AND JOHN TOWER

Mr. WARNER. Mr. President, I would like to join my colleagues in expressing my thoughts about both of our lost colleagues, the Senator from Pennsylvania and the Senator from Texas.

In the all too often busy and hectic life of public service, the life that we bring upon ourselves here in the Congress, important words are regrettably often left unsaid, unsaid until a trag-

edy brings to us the realism—not just the sadness, but the realism—of what each of us individually and collectively loses when we experience the loss of our colleagues.

It is those events that often prompt the praise of fellow Senators, the heartfelt expressions such as we have heard today. But these sentiments are real, and they are true and they are spoken from the heart.

I was privileged to be among those Senators who joined the family of Senator Heinz in Pittsburgh and witnessed one of the most magnificent yet simple ceremonies on behalf of a fallen comrade.

I say fallen because we lost John Heinz in what I call the line of duty. He was working to the very minute he departed. He was a man of courage and strength, intellectually and physically, and there was no reason to believe other than he would be with us for many, many, many years to come. And yet the tragedy of an air accident took him so quickly, leaving in the prime of her life a widow and three sons, each of whom is trying to reach out and achieve goals his father would be proud of. I hope all of us in the days and months and years to come will do what we can individually to provide not only comfort and security but love and affection for his widow, and such guidance as his sons may accept.

I go back to the year I joined the Senate in 1979, coming with just a basic familiarity of the complex and often arcane customs of this institution. My then wife and I had the good fortune of receiving the big brother and big sister treatment from Senator and Mrs. Heinz. They helped us in so many ways to become indoctrinated to the Senate, not only the formalities of this institution but equally, if not more importantly, the informalities.

We have our Senate rules. We have our precedents. The Parliamentarian is always available to give us such opinions as we may or may not wish to receive. But there is much that is not in the rules and the precedents. There are personal relationships here in this Chamber, personal relationships that must be fostered outside this Chamber.

John and Teresa were very special to me and my family. At that time we were assigned to different committees and followed separate paths with respect to our special responsibilities in the Senate. But I shall always be grateful for the kindness and the thoughtfulness of my good friend, the senior Senator from Pennsylvania. He made the path I was to follow in these nearly 13 years clearer, and left the markers which I will continue to follow in the future.

Senator Heinz provided the leadership to produce results not only for his State but for the Nation. Just one little reminder: the Washington subway system. It did not touch Pennsylvania.

I am sure in Pennsylvania there are cities that would love to have a subway system comparable to our Metro, but it was John Heinz who led the fight here in the U.S. Senate to get the funding and the authorization, and to work with the Senators from Virginia and Maryland to achieve a goal that we had been striving to achieve in a decade, to complete the 103-mile system. It was not in his State. But he had a deep interest and he expressed that deep interest about the Nation's Capital many times to those of us who bear some unique responsibility to the Nation's Capital for our legislative responsibilities.

We thank you, John. I thank you on behalf of not only Virginians, but all of those here in the metropolitan area.

Tragedy often forces men to face their own mortality. All of us in the Senate lead lives that keep us on the road and in the air. The tragedy, the death of my friend, John Heinz, does not compel me to shrink from the challenges of public life. Rather, the triumphs and achievements of his life inspire me to hopefully do more in such time that remains for me to serve in this institution.

It is my sincere hope for the family and the friends of Senator Heinz and for all who admire him, as I did, that the pain of his passing will dim far more quickly than will the remembrance of his distinguished career.

I shall always remember him in one unique way. He never strode upon this floor that he was not tall in thought and in body, and clutching beneath his arm that bundle of papers. He was truly one of the hardest working Members of the U.S. Senate, and it inspires us all.

Mr. President, I turn to our second distinguished colleague who also was lost in the line of duty. John Tower would want to have it that way because he was a vigorous man, vigorous in mind and thought in the pursuit of the goals that were important to him. He was on his way to share his knowledge, knowledge that he had gained through many, many years of hard work, beginning with a career in the U.S. Navy in World War II.

I remember so well when I was serving in the secretariat in the Department of the Navy. He did not ask me to come to his office. He summoned me to come to his office, and to bring with me the Chief of Naval Operations. At that time, if my memory serves me correctly, Admiral Zumwalt had just succeeded Admiral Moore. We had some hint as to the subject matter of the visit, but we were not sure until we arrived.

And there, in his office, we performed a promotional ceremony. John Tower had been an enlisted man in the U.S. Navy. John Tower was very proud of the fact that he was a boatswain's mate.

For those who know something of the Navy, the boatswain is the man aboard the ship that probably has the greatest store of general knowledge of the officers and the men of the ship, and of all aspect of handling the ship. On the whole, they were a rough and ready lot. But their knowledge of that ship was second to none, even the captain.

John was particularly proud that he had risen through all enlisted ranks to that of chief boatswain's mate.

At roughly 10 or 11 o'clock in the morning, at a brief ceremony, he was promoted to the highest of all ranks, chief boatswain.

The loss of John also brought us the knowledge of the loss of one of his daughters. I had the opportunity on many happy occasions to share an evening with those lovely daughters: Very beautiful, very knowledgeable, and above all, loving to their father.

As time progressed in this institution, John's ability to teach became very apparent to me. Yes, he was a Senator and eventually chairman of the Senate Armed Services Committee. I think that alone was his secret life's ambition, never to be paralleled by any future position in life.

But John always had the patience, always found the time to listen and to convey his knowledge on a subject. And his knowledge on matters of national security, intelligence, and on the relationship between the executive branch and the legislative branch of our Government was second to none.

Time and time again, when we were caught up in this institution particularly in relation to the War Powers Act, another subject that he knew well, the question as to the President's authority to send our troops abroad to protect the security interests of this Nation and the security interests of our allies and friends, I and others would refer to that landmark article that he wrote describing that relationship, and how he said to the Members of the U.S. Congress, all who aspire from time to time to be Secretary of State, that how but one man, the President of the United States, can represent this Nation in its relationships with other governments, because we the Congress, collectively and individually, simply cannot do that, even though from time to time we strive to do so.

That article I urge to be studied and read by all. I use it, and will continue to use it, time and time again. It represents to me but one of the many lessons learned from that master, John Tower. He used to sit right there in the United States Senate.

I remember so well the night in this institution we finally grappled with the decision as to whether or not we should express our views as being consistent with the views of the Prime Minister of England in the Falklands war, and John went up and down that

aisle and recounted in detail the history between our country and Great Britain. He had a special affection for Great Britain.

I doubt if anyone, certainly not in the lifetime I have been here in the Senate, had a better knowledge about the relationship between the United States and Great Britain than John Tower. I hope the people of Great Britain know that they lost in John Tower one of their strongest proponents ever to be a Member of the U.S. Senate.

John and I had our differences, but he was a man that would be always willing to bridge those differences. My greatest loss with the passing of John Tower is that, with time, perhaps we could have reconciled and closed some of the differences we had. That will be a loss that I will have to bear.

At any rate, on balance, as I look back over our association of nearly a decade in this institution, I was the one that profited the most. I say to you, John, and to the members of your family, I thank you. As an old sailor said, "May fair winds and flowing seas always nourish in the hearts that you left behind the warmest of thoughts."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

The Senate continued with the consideration of the resolution.

Mr. SPECTER. Mr. President, while we are awaiting the final action by the Senate today, I have sought recognition to express my support for the resolution pending before the Senate regarding the resistance of the Kurds against the repressive and despotic acts by the Government of Iraq.

The situation in Iraq today is one of the most serious which has ever confronted an entire group of people. The Kurds are being oppressed relentlessly by the Iraqi Government. Thousands of Kurdish refugees are now on the Turkish border, thousands more on the Iranian border. The world has been horrified by the pictures which are flooding into television sets showing this brave people's tremendous suffering at the hands of the Iraqis.

I think it unfortunate that the originally stated intention of the United States Government to stop the helicopters from raining destruction on the Kurds was not carried out. Initially the United Nations, supported by the United States, made the declaration that fixed-wing aircraft would not be per-

mitted to fly nor would the helicopters be permitted to fly. Two Iraqi fixed-wing aircraft were in fact shot down. The helicopters, which have continued to fly, have accounted for much of the destruction suffered by the Kurdish resistance. That is an extraordinarily unfortunate situation.

It is obviously a different situation for the United Nations or the United States to take military action which might involve a difficult ground war. But it seems to this Senator that some intermediate United Nations or United States course might have been adopted to have stopped this unseemly and barbaric assault against the Kurdish people.

I think the expression by the Senate today is a very forceful one, and I am hopeful that we will be able to find a way to stop this senseless slaughter.

I note the presence now of the majority leader so I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to take a few moments to address the resolution prior to its enactment myself, and then we will be prepared to move the resolution and conclude the other business of the Senate.

Mr. President, I thank the Senator for his remarks.

All of us, indeed all Americans, are deeply concerned by the plight of refugees in Iraq. This is a tragedy of immense proportions. This resolution expresses the Senate's strong concern about Iraqi refugees and our belief that the United States and the United Nations must take immediate steps to ensure that additional lives are not lost. I commend the distinguished Senator from New York [Mr. MOYNIHAN] for his leadership on this resolution and this issue.

We were, of course, all grateful for the allied coalition's military victory over Iraqi forces and the astonishingly low number of allied casualties, but it is deeply disturbing that in the aftermath of that victory Iraqi armed forces have threatened the lives of some 1 million innocent Iraqi civilians. The President, in comparing Saddam Hussein to Hitler, repeatedly underscored the brutality of Iraqi occupation forces in Kuwait. These same forces have now turned against defenseless civilians within Iraq's borders seeking to assure a devastating loss to coalition stores with a brutal victory over their own people.

Many Iraqis began an armed rebellion in March following President Bush's calls for them to rise up and overthrow Saddam Hussein. They responded. Iraq Armed Forces then responded to them by indiscriminately shelling and bombing population centers, using helicopters to strafe villages and cut down fleeing civilians. This massive and illegal campaign of

terror against Kurds, Shiites, and other Iraqis has forced close to 1 million people to flee their homes. They are desperate, lacking their possessions, lacking food, lacking proper clothes, and they continue to struggle toward the border in search of safety.

Americans are rightly concerned about innocent Iraqi civilians. Their survival is no less significant than was the fate of innocent Kuwaiti citizens. The U.S. leadership role in the international coalition creates a special responsibility to help the innocent civilians now undergoing such distress.

That is what this resolution is about. The resolution notes the tremendous suffering of the Iraqi people and condemns the Iraqi Government's indiscriminate, illegal massacre of civilians. It recognizes the United States has a moral obligation to provide humanitarian relief to those suffering and urging additional support from the United Nations and those countries bordering Iraq.

The resolution calls upon President Bush to press the U.N. Security Council to follow up on resolution 688, which condemned the repression of Iraqi civilians. Specifically, the resolution urges the President to encourage the United Nations to adopt effective measures under chapter VII of the U.N. Charter, including taking action to protect refugees to enforce the demand that the killing stop.

It is unfortunate but clear that the U.S. Government's initial response to this tragedy was slow. It must now meet the situation more effectively. This is an important resolution, which I urge all of my colleagues to support.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, appoints the Senator from West Virginia [Mr. ROCKEFELLER] to the Japan-United States Friendship Commission.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and pursuant to Public Law 99-498, as amended by Public Law 101-324, appoints Mr. William R. Cotter to the National Commission on Responsibilities for Financing Postsecondary Education, vice Dr. William Danforth, resigned.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 101-363,

appoints the Senator from Colorado [Mr. BROWN] to the National Advisory Council on the Public Service.

UNANIMOUS CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, April 16, at 3 p.m. the Senate proceed to the consideration of Calendar No. 38, S. 207, the CFTC authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. SPECTER. Mr. President, by brief word of explanation, I have just come into this assignment on so-called wrapup and I wanted to be sure that these documents were in order. The last unanimous consent agreement is agreed to by this side of the aisle.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,217th day that Terry Anderson has been held captive in Lebanon.

GLOBAL WARMING AND OZONE DEPLETION

Mr. BAUCUS. Mr. President, earlier today the majority leader, Senator MITCHELL, and my distinguished colleague from Tennessee, Mr. GORE, noted the two recent scientific reports on the seriousness of the global warming and ozone depletion threats.

Last week, the National Aeronautics and Space Administration released new data showing that the Earth's ozone layer is disappearing at an alarming rate.

And yesterday, a prestigious panel of the National Academy of Sciences, chaired by our former colleague Dan Evans, reported that the threat posed by global warming is sufficient to justify action now.

These two reports are more than just a double-barreled warning. They are evidence that what was once thought to be serious environmental problems are turning into crises.

According to the NASA satellite data, between 4 and 5 percent of the ozone layer over North America, Europe, and the mid latitudes in both the northern and southern hemispheres has been destroyed in the last decade. This

is twice as fast as believed earlier by NASA scientists.

Equally disturbing, NASA's new data show for the first time that the ozone depletion is not just a winter phenomenon. It now extends into the warmer months, a time when people begin to spend more time outdoors and plants begin to grow.

As we should all know by now, the thinning of the ozone layer allows more high energy ultraviolet radiation to strike the Earth's surface. This increases the incidence of skin cancers and cataracts, and potentially suppresses the immune system. Furthermore, increased ultraviolet radiation has been shown to damage crops and harm marine resources.

According to the Environmental Protection Agency, for every percentage point of ozone depletion, the number of skin cancer cases increases by 5 to 7 percent. EPA estimates that the observed ozone depletion will lead to as many as 12 million more skin cancers and over 200,000 additional skin cancer deaths in the United States during the next 50 years. That is double the current rate of 5,000 a year.

In short, Mr. President, we have a major environmental crisis.

The new ozone losses are much greater than those predicted by computer models. And they raise serious questions about the adequacy of the control measures set forth in the Montreal protocol.

That treaty, signed by over 70 nations, commits industrialized nations to phase out CFC's by the year 2000, and developing nations to follow suit 10 years later.

The new NASA data and the assessment from the NAS are clear and convincing evidence of the need for action.

As a start, section 606 of the Clean Air Act Amendments of 1990 requires that the EPA Administrator implement an accelerated phaseout schedule for CFC's and other ozone depleting chemicals if scientific information suggests such an acceleration is needed to protect human health and the environment.

I believe that 12 million more skin cancer cases and a doubling of the death rate from such cancers in the United States is reason enough to accelerate the phaseout schedule.

Many European Community nations already support moving up the year 2000 deadline in developed nations to 1997. The United States should do no less.

We must also consider restrictions on CFC substitutes now being developed. While these are less harmful than current CFC's, they still damage the ozone layer, and it is now clear that our atmosphere cannot tolerate more abuse.

We must also provide timely assistance to developing countries so that they will have access to safe substitutes, and can eliminate production

and use of CFC's well in advance of their 2010 deadline.

And we must take stronger steps to improve our energy efficiency and conservation. Doing so will reduce our emission of greenhouse gasses and the resulting global warming. This is the kind of planetary insurance policy mentioned in the NAS report.

The Senate will be considering comprehensive energy legislation in the near future. I, along with a number of my colleagues, intend to press for strong conservation and efficiency measures. It is the right thing to do, for us, now. And it is the right thing to do for our children.

Mr. President, we are now seeing the consequences of a policy that for too long has said wait. Study. Go slow.

Let us not compound the problem with further delay.

MOSES BOYD AND TRIO: AMERICAN SUCCESS STORIES

Mr. HOLLINGS. Mr. President, the spring 1991, edition of the *Carolinian* newspaper includes a profile of Moses Boyd, a counsel on the Senate Commerce Committee. Mr. Boyd is one of several talented young men and women mentioned in the article who have received a helping hand in realizing their academic potential courtesy of the TRIO Program. TRIO, of course, is the enormously successful Federal program that identifies disadvantaged but promising high school students, and provides them with academic enrichment activities and support before and during their years in college.

Moses Boyd is a superb example of what this program has accomplished in countless cases in every State in the Nation. A 1986 graduate of the University of South Carolina Law School, he has already earned a reputation on the committee and among our Senate colleagues as a fine lawyer with acute judgment—someone we can trust and rely on.

The lion's share of the credit for the Moses Boyd success story must go to Moses himself and to the family that raised him. But my hat is off, too, to the TRIO Program, which has made a decisive difference in the lives of many thousands of Americans from disadvantaged backgrounds. I am proud to have championed TRIO from my earliest years in the Senate. Perhaps my reward is to have a counsel of Moses Boyd's caliber on my Commerce Committee staff.

Mr. President, I ask unanimous consent that the article, "When Opportunity Knocks ***," be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN OPPORTUNITY KNOCKS . . .

The corridors of power in Washington are familiar ground to Moses Boyd. As counsel

to the U.S. Senate Commerce, Science and Transportation Committee, he advises some of the nation's most powerful leaders and helps draft bills that will affect millions of lives. His law career is on the fast track to success.

But without the Opportunity Scholars Program (OSP) at USC, he might have had to settle for much less.

Boyd grew up in a small Fairfield County town in a family of 11 children. His mother was a high school graduate and his father—one of 13 children—left school to support his brothers and sisters when their parents died.

A promising high school student, Boyd was student body president in his senior year at Columbia's Eau Claire High School and had ambitions for law school. His teachers recommended a small college, but a guidance counselor saw his potential and urged him to try for USC. He did, was admitted through OSP, and became the quintessential high achiever that the program develops. He received a B.A. in political science in 1983 and a law degree in 1986.

"In my freshman year I got a lot of help learning how to focus on my course work," he said. "The faculty motivated me to study harder and helped me hone my writing and speaking skills. I can't say enough about the impact this program had on my life and career."

More than 500 graduates have answered opportunity's knock since the program began. In 1969, then-President Thomas Jones realized that some South Carolina high school students who had the potential to do good college work were being left out in the cold. For a variety of reasons—low SAT scores, inadequate academic preparation, family poverty or other problems beyond their control—they were labeled "educationally disadvantaged" and just didn't quite meet USC's admissions standards.

So Jones started a special admissions program for these students under the direction of the late Dr. J. Manning Hiers. The following year it was taken under the federal umbrella and has since been supported by a combination of University and federal money.

OSP is one of the TRIO programs—Opportunity Scholars, Talent Search and Upward Bound—funded under the federal Higher Education Act of 1965 and designed to provide counseling, basic skills instruction, tutoring and information about financial aid and college admissions to low-income and first generation college students.

Dixon Durham, who oversees the program and teaches the history component, emphasized that OSP is a developmental, not a remedial, program. "Like many other freshmen, our students come in with a need to strengthen certain aspects of their academic performance," Durham said. "Besides giving them full credit courses in English, history and math, we teach them critical thinking and study skills and help them develop the self-confidence they need to move out of their first-year experience into the mainstream of University life."

Associate Provost Dr. Susan Forman said the track record of OSP students proves the value of the program.

"This is a prime example of how a major research university can provide increased opportunities for a state with a diverse population and citizens with a range of social, economic and educational needs," she said. "In case after case, OSP has provided the means for students who might not typically be able to complete a high-quality college education to obtain college degrees and engage in successful careers."

Dr. Carol McGinnis Kay, dean of the College of Humanities and Social Sciences, also takes pride in the achievements of OSP students. "Far from being coddled," she said "these students probably have to meet stiffer demands from their instructors than a lot of entering freshmen do."

"It is a credit to their determination and to the academic excellence of the program that their graduation rate is so high and that so many of them continue their education in graduate school."

"This program is an important one, for both the students and the state as a whole. It enables the University to serve the needs of an important part of our constituency."

Terry Davis, Columbia campus admissions director, said the program makes it possible for the University to exercise flexibility in admissions policies by referring about 50 students each year who meet OSP's criteria to the program.

"While we know that a combination of SAT scores and high school performance generally gives the best indication of potential success in college, we also know that some students simply don't test well," she said.

"The graduation rate of OSP students—more than 60 percent—is significantly higher than the overall USC-Columbia rate, and many of them pursue graduate work. That's a clear indication that this kind of flexibility pays off for the University," Davis said.

Like Moses Boyd, the program's graduates are making major contributions to society through their professions—as social workers, teachers, lawyers, nurses, pharmacists, engineers, librarians, bankers and in other fields. And without exception, they credit USC and OSP for giving them a chance to prove they could succeed.—ANN HILL.

DR. NICHOLAS E. DAVIES

Mr. NUNN. Mr. President, last week one of Georgia's, and our Nation's most prominent physicians, Dr. Nicholas E. Davies, of Atlanta, was killed in a plane crash. An internist and cardiologist, Dr. Davies was to have become the president of the American College of Physicians on April 13, heading the organization of 70,000 doctors trained in internal medicine. He was on his way to a meeting of internists on the Georgia coast when his plane went down.

His colleagues at Piedmont Hospital, where he was chairman of the ethics committee and former chairman of the Department of Medicine, spoke of his deep concern for improving the lives of his fellow man, and for his intellect. Dr. Davies also served on the staff at Grady Memorial Hospital and was a professor at Emory University's School of Medicine.

Atlantans knew him as a lover of books, and founder of Friends of the Atlanta Public Library. Around the State, he was known for his active work to guarantee necessary medical care to all Georgians, regardless of their ability to pay. Nationally, Dr. Davies was known for his work as chairman of the National Library of Medicine, for his support for nurses and homebound patients, and for his advocacy of concentrating spending on the

medical services that were most needed, such as preventive care.

My sympathy goes out to his wife, Garland, herself a distinguished assistant professor at Georgia State University, now retired, and to their children and grandchildren in the loss of this admirable man of medicine, whose life meant so much to his city and State, his colleagues and students, and all who benefited from his skill and concern.

MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting Sunday nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 119. A resolution relative to the death of the Honorable John Heinz, a Senator from the Commonwealth of Pennsylvania.

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 543. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week; and

H.J. Res. 197. Joint resolution to designate the weeks of April 15 through 21, 1991, as "National Education First Week."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 115. A concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The message also announced that pursuant to the provisions of section 4(b) of Public Law 94-201, the Speaker appoints on the part of the House, from private life, Mrs. Lindy Boggs of New Orleans, LA, to the Board of Trustees of the American Folklife Center in the Library of Congress.

The message further announced that pursuant to the provisions of section 1205(a)(4) of Public Law 101-628, the Speaker appoints the following individuals to the Civil War Sites Advisory Commission on the part of the House: Mr. MRAZEK and Mr. SLAUGHTER of Virginia; and from private life, Ms. Mary Frances Berry of Washington, DC.

ENROLLED BILLS SIGNED

At 5:22 p.m., a message from the House of Representatives, announced that the Speaker has signed the following enrolled bills:

S. 534. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 9, 1991, the following reports of committees were submitted on April 10, 1991, during the recess of the Senate:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report on the Activities of the Committee on Governmental Affairs and its subcommittees for the 101st Congress (Rept. No. 102-36).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 3: A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes (Rept. No. 102-37).

By Mr. FORD, from the Committee on Rules and Administration, without recommendation without amendment:

S. 6: A bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 9, 1991, the following executive reports of committees were submitted on April 10, 1991, during the recess of the Senate:

By Mr. NUNN, from the Committee on Armed Services:

The following named persons to be Members of the Defense Base Closure and Realignment Commission for terms expiring at the end of the first session of the 102nd Congress:

Arthur Levitt, Jr., of New York; Robert D. Stuart, Jr., of Illinois; and Alexander B. Trowbridge, of the District of Columbia.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Nicholas F. Brady, of New Jersey, to be United States Governor of the European Bank for Reconstruction and Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUE:

S. 795. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active

service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DIXON:

S. 796. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 797. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Baltimore, Maryland and Washington, District of Columbia; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. ADAMS):

S. 798. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 799. A bill to amend the Davis-Bacon and the Service Contract Act of 1965 to exempt from such acts tenants of federally-related housing who participate in the construction, alteration, or repair of their residences, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 800. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. BRYAN, Mr. SARBANES, Mr. WIRTH, Mr. GARN, Mr. JEFFORDS, Mr. DANFORTH, and Mr. HATCH):

S. 801. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 802. A bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID:

S. 803. A bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 804. A bill to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center and make funds available to the facility for renewable energy and ocean resources research, development, and transfer; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 805. A bill to provide for regulations to require certain consumers of newsprint to use, in their commercial operations, a certain percentage of recycled newsprint; to the Committee on Environment and Public Works.

By Mr. ADAMS:

S. 806. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the City of Seattle, Washington, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. GARN):

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 808. A bill to provide for the payment of claims by United States nationals against Vietnam and to terminate certain economic sanctions against Vietnam, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. MACK, Mr. BURNS, Mr. COATS, Mr. LOTT, Mr. CRAIG, Mr. HATCH, Mr. KASTEN, Mr. SMITH, Mr. MCCONNELL, Mr. BOND, Mr. HELMS, Mr. GARN, Mr. SYMMS, Mr. NICKLES, and Mr. ROTH):

S. 809. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. METZENBAUM, Mr. DODD, Mr. ADAMS, Mr. BURDICK, Mr. LEVIN, Mr. CONRAD, Mr. KERRY, Mr. KOHL, and Mr. SHELBY):

S. 810. A bill to improve counseling services for elementary school children; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself, Mr. EXON, Mr. BRYAN, Mr. BREAU, Mr. REID, Ms. MIKULSKI, and Mr. SIMON):

S. 811. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself and Mr. GRAHAM):

S. 812. A bill to amend the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 813. A bill to establish the Federal Interagency Advisory Council and promote the use of senior citizens in the support of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

S. 814. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such Act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the United States Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mr. HATCH, and Mr. DANFORTH):

S. 815. A bill to amend the Public Health Service Act to provide for the establishment of an Office of Medical Insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. BROWN, Mr. PELL, Mr. HELMS, Mr. LIEBERMAN, Mr. BURNS, Mr. INOUE, Mr. SIMON, Mr. KERRY, Mr. SPECTER, Mr. WALLOP, Mr. AKAKA, Mr. BRADLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. RIEGLE, and Mr. SEYMOUR):

S. 816. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering; to the Committee on Foreign Relations.

By Mr. GARN (for himself, Mr. D'AMATO, Mr. GORE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. PELL, Mr. SASSER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 114. A joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S.J. Res. 115. A joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN, Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 116. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. DASCHLE, Mr. SARBANES, Mr. LEVIN, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. DIXON, Mr. BUMPERS, Mr. HEFLIN, Mr. CRANSTON, Mr. MITCHELL, Mr. EXON, Mr. SIMON, Mr. NUNN, Mr. GORE, Mr. LIEBERMAN, Mr. RIEGLE, Mr. BOREN, Mr. MOYNIHAN, Mr. PELL, Mr. SANFORD, Mr. STEVENS, Mr. WARNER, Mr. D'AMATO, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. GARN, Mr. DOLE, Mr. SEYMOUR, Mr. COCHRAN, Mr. MURKOWSKI, Mr. THURMOND, Mr. HATCH, Mr. MACK, and Mr. AKAKA):

S.J. Res. 117. A joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

By Mr. GARN (for himself, Mr. GRAHAM, and Mr. MACK):

S.J. Res. 118. A joint resolution to recognize the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN,

Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 119. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMM (for himself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND):

S. Res. 97. Resolution to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas; considered and agreed to.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. BRADLEY, Mr. LAUTENBERG, Mr. COHEN, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. RUDMAN):

S. Res. 98. Resolution expressing the opposition of the Senate to the imposition of a fee on or in-kind storage diversion requirement for imported crude oil and refined petroleum products; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. LEAHY, Mr. SANFORD, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, Mr. DECONCINI, Mr. CRANSTON, and Mrs. KASSEBAUM):

S. Res. 99. Resolution concerning the protection of refugees in Iraq, considered and agreed to.

By Mr. SANFORD (for himself, Mr. HELMS, and Mr. MITCHELL):

S. Res. 100. Resolution to commend the Blue Devils of Duke University for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 101. Resolution to authorize testimony in the case of United States v. Kim Peoples, No. M7711-90; considered and agreed to.

By Mr. KERRY (for himself, Mr. LEVIN, Mr. AKAKA, Mr. KENNEDY, Mr. JEFFORDS, Mr. INOUE, Mr. LIEBERMAN, Mr. HARKIN, Mr. DASCHLE, Mr. PELL, and Mr. GORE):

S. Con. Res. 26. Concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. HATCH):
S. Con. Res. 27. Concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUE:

S. 795. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

FILIPINO VETERANS EQUITY ACT

• Mr. INOUE. Mr. President, today, I rise to introduce legislation which amends title 38, United States Code, to restore full veterans' benefits, by reason of service, to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts.

Fifty years ago, President Roosevelt, on July 26, 1941, issued a military order that called members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East. Under the command of Gen. Douglas MacArthur, our Filipino allies joined alongside American soldiers in fighting some of the most fierce battles of World War II.

From the onset of the war through February 18, 1946, Filipinos who were called into service under President Roosevelt's order were entitled to full veterans' benefits by reason of their active service in our Armed Forces. Unfortunately, on February 18, 1946, Congress enacted the Recission Act of 1946, (now codified as section 107, title 38, United States Code), which states that service performed by these Filipino veterans is not deemed as "active service." As a result of the 1946 act, Filipino veterans on May 12, 1989, in Quiban versus U.S. Veterans Administration and Quizon versus U.S. Veterans Administration, the U.S. District Court for the District of Columbia declared section 107 of title 38, United States Code to be unconstitutional. The Veterans Administration filed an appeal to the U.S. Court of Appeals for the District of Columbia, challenging the district court's ruling that military service performed by Filipino veterans, which is not deemed as active service, was unconstitutional. The U.S. Court of Appeals for the District of Columbia heard the oral arguments on February 14, 1991. A decision is expected shortly. I am hopeful that the U.S. Court of Appeals will affirm the lower court decision.

For many years, Filipino veterans of World War II have sought to correct this injustice by seeking equal treat-

ment for their valiant military service in our Armed Forces. We must not ignore the recognition they duly deserved as U.S. veterans. Accordingly, I urge my colleagues to support this measure which would restore full veterans' benefits, by reason of service, to our Filipino allies of World War II.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 795

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 1991".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not" after "Army of United States, shall"; and

(B) by striking ", except benefits under—" and all that follows and inserting a period; and

(2) in subsection (b)—

(A) by striking "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking "except—" and all that follows and inserting a period.

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of such section is amended to read as follows:

"§ 107. Certain service in organized military forces of the Philippines and in the Philippine Scouts deemed to be active service".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain services in organized military forces of the Philippines and in the Philippine Scouts deemed to be active service."

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1991.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

By Mr. DIXON:
S. 796. A bill to provide a one-time amnesty from criminal and civil penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY AMNESTY ACT

Mr. DIXON. Mr. President, even after last year's contentious budget battle, and the enactment of the largest deficit reduction package in our history,

we stand here today facing the largest Federal budget deficit in our Nation's history. Our failures to get the deficit under control have hurt every American and have damaged the American economy.

There are many factors that have contributed to our budget crisis. One very important factor that continues to receive little attention is our deteriorating tax compliance levels. It is an alarming fact that during the past decade, as our Federal deficit grew to appalling levels, compliance with our Federal tax laws dramatically declined.

Since I first came to the U.S. Senate, I have repeatedly argued for, and introduced legislation to institute, a Federal Tax Amnesty Program. Even with substantial and growing noncompliance with our Nation's tax laws, this proposal has not received the attention or serious review that I believe it merits.

In 1983, the tax gap—that is, the difference between what is owed by the Federal Government and what is actually collected—was estimated to be \$24 billion. By 1992, lost revenue to the Government could reach as much as \$114 billion. Commissioner Goldberg, in testimony before the House Ways and Means Oversight Subcommittee last year, estimated the current tax gap to be \$87 billion—\$87 billion of uncollected taxes is scandalous! It exacerbates our mounting budget deficit, as well as increases burdens upon all honest tax-paying citizens.

Every year billions and billions of dollars are lost to our tax collection system. Part of the problem lies within the Internal Revenue Service itself. Its procedures are outdated and inefficient. At the same time, because the IRS is forced to share in domestic budget cuts, its manpower is grossly inadequate. In 1976, the Service audited 2.6 percent of tax returns; this year it will audit less than 1 percent. By increasing IRS collection efforts, and implementing new programs designated to recover the vast majority of these outstanding delinquent balances, we could collect billions that might otherwise be lost in our tax collection system.

Tax amnesty is a simple concept. It provides an opportunity for delinquent taxpayers—a majority of which are otherwise honest citizens who earn their livings respectably—to fully pay their overdue tax liability without being subject to criminal or civil prosecution.

Amnesty programs have worked well at the State level. States, including my State of Illinois, as well as Massachusetts, New York, Connecticut, Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, Colorado, Louisiana, Oklahoma, South Carolina, Texas, Wisconsin, Arkansas, Florida, Iowa, Michigan,

Mississippi, New Jersey, Rhode Island, West Virginia, Maryland, Idaho, Virginia, and the District of Columbia, have enacted tax amnesty programs.

The results of State amnesty programs have been impressive. These programs have demonstrated that many individuals and companies will come forward if they can pay their back taxes, and not be prosecuted. The State programs have also revealed that amnesty programs have enabled the States to collect significant amounts of currently uncollectable revenue with a minimal amount of resources. Over 130,000 delinquent taxpayers came forward in California—Illinois collected approximately \$150 million—and over \$72 million was collected in Massachusetts.

The State programs were not giveaways: They did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. The State programs have resulted in placing additional taxpayers back on the rolls. The success of these State tax amnesty programs has demonstrated the potential of this idea at the national level.

Mr. President, while I recognize the enormous differences between the State and the National tax systems, I believe a National Tax Amnesty Program will be effective.

It is true that Federal tax collection efforts are more sophisticated than those of the States. Nonetheless, our current tax system is failing the test. The magnitude of the tax gap is enormous, and it continues to grow. Voluntary compliance continues to decline, while, the public is becoming increasingly aware of the fact that large numbers of taxpayers are getting away with cheating. The Federal Government is losing billions of tax dollars—\$87 billion this year. Of this \$87 billion, underreported income—that is, overstated deductions and credits, as well as unreported income—represents roughly \$40 billion. The largest portion of this unreported income is from sole proprietorships, informal supplier income, and capital gains.

At the Federal level, revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficit. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination.

The legislation that I am introducing today would establish a tax amnesty/tough enforcement package. A 6-month amnesty period would go into effect, beginning on July 1 after the bill is enacted.

All taxpayers would be eligible for the amnesty with some limited exceptions: First, those involved with the IRS in administrative or judicial proceedings before the amnesty period be-

gins; second, those under criminal investigation where the IRS has referred the matter to the Justice Department before the amnesty period begins; and third, those who make false or fraudulent representations in attempting to take advantage of the amnesty.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. It would, however, apply only to legal-source income. Taxes due on income resulting from criminal activity would not be covered by the amnesty.

All Federal taxes would be included under the amnesty, not just the income tax.

The amnesty provisions are generous and provide a substantial incentive for taxpayers to take advantage of the amnesty period. However, the bill does not rely just on carrots; it also contains a couple of substantial sticks.

First, it increases all tax-related civil and criminal penalties, including money fines and jail terms, by 50 percent. The tougher penalties would apply to any tax year after 1987, and after the amnesty period, to any open tax year. Of course, the increased penalties would not apply to cases pending on the date of enactment where a judgment was entered before that date.

Second, the bill authorizes such funds as are necessary to add 3,000 additional revenue agents to the IRS—an increase of about 20 percent in the agent force. Adding agents has proven to be cost-effective, because each additional agent can bring in as much as 12½ times his salary in additional tax revenue. In fact, the IRS has informed me that agents can bring in as much as 40 times their salary, depending on where enforcement efforts are concentrated.

The bill also authorizes the funds that the Treasury will need to administer and publicize the amnesty program. The State experience demonstrates that wide publicity can significantly enhance the effectiveness of the amnesty program.

I believe in the amnesty concept, but I recognize the need to carefully analyze the potential impact of an amnesty program on compliance. I firmly believe that a tax amnesty program would undermine neither tax administration objectives nor the overall climate for voluntary compliance. As the State experience demonstrates, it will, in fact, add thousands of taxpayers to the rolls. Further, it will not adversely impact future tax collections. I am confident that the vast majority of honest taxpayers will see a one-time amnesty for what it is—a demonstration of the extraordinary efforts the Government is prepared to undertake to collect delinquent tax payments.

My legislation will not reward delinquent taxpayers the IRS has already

uncovered. It will provide an incentive to come forward to those who otherwise may not be discovered. These taxpayers would have to pay their full delinquent amounts, and it is worth forgoing the penalties in order to get them to do so.

As we battle headlong to reduce our uncontrollable budget deficit, debating over whether to cut essential programs or to impose unwanted taxes on our citizens, we should take advantage of the benefits that a tax amnesty program yields.

I urge my colleagues to carefully examine the amnesty concept. I remain confident that a thorough and fair-minded review of this proposal will result in large, bipartisan support for such a program.

By Ms. MIKULSKI:
S. 797. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Baltimore, MD, and Washington, DC; to the Committee on Commerce, Science, and Transportation.

MAGNETIC LEVITATION TRANSPORTATION SYSTEM BETWEEN BALTIMORE, MD AND WASHINGTON, DC

Ms. MIKULSKI. Mr. President, I rise to introduce a transportation bill that really offers a new concept in transportation for the American people.

I want to, before I add comments on my own bill, say a few words about our dear colleague, Senator Heinz.

Senator Heinz played a very key role in the authorization of the Metro subway that is part of the National Capital system. We Senators from Maryland and Virginia—Senators SARBANES, ROBB, WARNER, and myself—could not have moved the legislation had Senator Heinz not been willing to take the leadership in differences with the administration. He did that because of the committee from which he was the ranking member on Government Operations.

We now have an authorization bill for the National Capital subway because of the very fine work of Senator Heinz. How like him. There was nothing in it for Pennsylvania. There were prickly issues between the States and the administration. But in his own skillful way he stepped forward to resolve a problem, and it was to have an authorization framework to move forward. He did his job not as a Pennsylvania Senator; he did his job as a national Senator.

We in Maryland and in Virginia are grateful for what he did. I offer the incident and the anecdote just because I think it shows the kind of guy and the kind of Senator that John Heinz was.

Mr. President, I also now would like to take the opportunity to introduce a bill related to a new transportation technology called Mag Lev. Mr. President, this technology could mean that

America could ride into the 21st century at 300 miles an hour on a cushion of air over magnets. It is a new technology that could generate new jobs and new opportunities for business and economic development. This technology is a train system.

I am advocating a demonstration project for the entire Nation to see if it is feasible, as well as if it is desirable. It would speed travelers between cities at triple the speed of conventional trains, as I said, floating above guideways by the same forces that push two similar charged magnets.

This is kind of what it looks like. I know it looks glitzy. But I am telling you this is the train of the future. I am introducing this legislation for Baltimore as a demonstration project, and the Baltimore-Washington corridor. I am introducing it along with my colleague from Maryland, Senator SARBANES.

Other colleagues have played a very important role in highlighting this: Senators MOYNIHAN, HOLLINGS, and EXON, whom I look forward to working with.

Mr. President, my bill will do a few things. It will jump start the mag-lev development process by authorizing a feasibility study of mag-lev between Baltimore and Washington. If passed, it would provide six 1-year grants for design competition, and it would offer Federal matching funds to the winner. It would limit this only to American companies and organizations. And it will be critical, then, for our future.

We will be building a public-private partnership where the Federal Government works with private industry to meet America's transportation needs. mag-lev is the transportation technology of the future because it is faster, cleaner, and more energy-efficient than cars of airplanes. It means a healthier environment, airports and roads that will not be jampacked, and will go toward energy independence.

The Baltimore-Washington corridor is a perfect test site. I say that with all modesty. In this corridor, it would link two major urban centers and would be the first step in a linking of the Northeast corridor.

Mr. President, I commute every day. I know what it is like to be in a rolling backup. I think it would be great for me to be able to get a morning paper, buy a cup of coffee in one of the ethnic diners I stop in every morning, and be at the Capitol in less than 15 minutes. I do not even know if I will have time to read my memos if this technology goes through. But I know this: I can read what the future is.

We need to have technology that will create opportunity in this country and that we can sell abroad. That is what this will do. It will be investing in the future.

Mr. President, I think this will bring benefits to America because we will be

developing cutting-edge technology. We invented this technology, and then, in 1974, we dropped the ball and did not pursue it any further. The Japanese and Germans came in and picked up on it. They did it fair and square. They have now developed prototypes.

I am sick and tired of the inventions that we create but do not develop which end up coming back and taking America's jobs. We have to do more than export our dollars and export our jobs. That way, if Mag Lev works, we can be the Yankee peddlers around the world that we have been for two centuries.

Mr. President, I am happy today to introduce this bill for Baltimore and Maryland, but most of all, for our own country.

Let me reiterate.
Today I am taking the first step toward our transportation future by introducing legislation to make the Baltimore-Washington corridor the site of America's first high-technology, high-speed magnetic levitation rail system. I am introducing this legislation on behalf of Senator SARBANES and myself.

As I introduce my bill, I also want to recognize the leadership and advocacy of Senators MOYNIHAN, HOLLINGS, and EXON on Mag Lev. I want to work with them and other Senators to make Mag Lev a reality by the year 2000.

This train system—a demonstration project for the entire Nation—would speed travelers between cities at triple the speed of conventional trains, floating above guideways by the same force that pushes two similarly charged magnets apart.

My bill will:
Jump start the Mag Lev development process by authorizing a feasibility study of Mag Lev between Baltimore and Washington.

Award six 1-year grants to competing private companies or local governments to design a Mag Lev line, and,

Authorize Federal matching funds for the winner of the design competition to build the line.

Only American companies and organizations will be eligible to compete, and the Federal share of constructing the line will be no more than half the cost.

We are building a public-private partnership where the Federal Government works with private industry to meet the American public's transportation needs—and improve America's competitiveness.

Mag Lev is the transportation technology of the future. Faster, cleaner, and more energy-efficient than cars or airplanes, it will mean a healthier environment, airports and roads that aren't jampacked, and it will help our Nation become energy independent.

The Baltimore-Washington corridor is a perfect test site. Mag Lev in this corridor would link two major urban centers. It would be the first link in a

Northeast corridor system connecting Washington to New York City to Boston. It could end the endless backups on I-95 and the Baltimore-Washington Parkway. It cuts airport congestion.

And personally, I am excited about buying my morning cup of coffee at Jimmy's in Fells Point, Baltimore, and getting to work on Capitol Hill, in less than 15 minutes—with my coffee still hot.

In my years in the Senate, one of my top priorities has been to get Maryland and America ready for the future.

That means investing in the technologies of the future. Technologies like magnetic levitation that will give Maryland and America a competitive edge.

It will make it easier for companies to locate in Baltimore and do business in Washington. It will lure America's best minds and most advanced technologies to Maryland. And it will demonstrate Maryland's commitment to building a 21st Century economy.

These trains are fast and flashy, but they are not some Buck Rogers pipe-dream. Germany and Japan are already building theirs.

Twenty years ago, the United States led the world in Mag Lev research. We still dominate fields like superconductivity and cryogenics that are making Mag Lev feasible, but we are losing our edge.

As we demonstrate to the rest of the world the benefits of Mag Lev, we bring benefits home to America. We'll be building a 21st-century transportation infrastructure, developing cutting-edge technology that we can export around the world, cutting the gas line that ties us to Middle East oil.

The technology already exists. Mag Lev can be up and running by the year 2000. All we need now is the will to put it into place.

I yield the floor. I thank the Senate for its attention.

Mr. SARBANES. Mr. President, today I am pleased to join my colleague, the junior Senator from Maryland, in sponsoring the Baltimore-Washington Corridor Magnetic Levitation Transportation System Demonstration Act of 1991. This legislation authorizes a study of the feasibility of establishing a magnetic levitation railway link between Baltimore, MD and Washington, D.C. Once that study is completed, favorable data and results would form the basis for the construction of such a line.

The development of magnetic levitation technology, commonly known as maglev, was initially invented and researched in the United States. The technology uses electromagnetic force in order to suspend and propel a train a few inches above a guideway at speeds up to 300 mph. Since its initial discovery in the 1960's, only Japan and Germany have aggressively pursued and developed working transportation

systems utilizing this technology. These have served to highlight maglev's potential as a safe, environmentally sound, economically viable, and energy efficient form of transport.

Mr. President, it seems logical that the Baltimore-Washington corridor would serve as an appropriate testing ground for an examination into both the practicality and plausibility of such a transportation system. The combined population of these two adjacent areas totals approximately 6 million, with 100,000 commuters traveling daily between the two cities, and 4,600 businesses based in the two vicinities. This combined area ranks fourth among the Nation's largest urban complexes. In a January, 1991 study entitled "Roadway Congestion in Major Urban Areas, 1982-88," it was found that of the six northeast cities, Washington and Baltimore ranked first and fifth respectively in terms of traffic congestion. Furthermore, the study found that the Washington area had the third worst traffic problem in the Nation, costing an estimated \$1.73 billion a year in lost time, gas consumption, accident losses and other factors. The density of traffic which the introduction of such a system as maglev could relieve is quite apparent.

Additional positive attributes of the Baltimore-Washington corridor consist of: an existing interstate highway system, a ready made right of way for possible maglev tracks in I-95; the presence of BWI Airport as a feed into the proposed maglev line; and the very location of the corridor itself, which could serve as a potential springboard for an extended maglev system along the entire Northeast corridor. Recent articles and editorials published in both the Sun and Evening Sun have expressed cogent arguments for the introduction of maglev in this specific region. I ask unanimous consent that these be printed in full at the conclusion of my statements.

I commend Senator MIKULSKI for introducing this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEVITATING TO WASHINGTON

Will a day come when passengers can hop on a train in downtown Baltimore and arrive in downtown Washington 15 minutes later? Boosters of the "magnetic levitation" concept say such speed and convenience could be possible by the year 2000—if Congress can be persuaded to back a \$600-million project to demonstrate the versatility of these quiet, vibration-free trains.

The new technology is mind-boggling. Magnetic levitation trains, instead of riding on steel wheels and rails, would float above a roadbed to which they are linked by electromagnetic forces.

The initial maglev technology was developed by American scientists in the 1960s. But as in the case of two other flashes of American imagination—the VCR and fiber optics—Japanese and German companies (and governments) have become the leading devel-

opers of this revolutionary transportation mode.

In fact, when Las Vegas asked for bids for a maglev line linking that city with Los Angeles, the only proposal came from a German consortium. "This is a technology that might mean to the next century what civil aviation has meant to the latter part of this century," says Rep. Robert Torricelli, a New Jersey Democrat.

An American consortium, contending that perfecting magnetic levitation outside the laboratory is too expensive for the private sector to undertake single-handedly, is trying to secure federal aid to catch up with the Germans and Japanese.

Maryland's Democratic Sen. Barbara A. Mikulski says she will introduce legislation that would designate the Baltimore-Washington corridor for the construction of a 40-mile roadbed for 300-mph magnetic levitation passenger trains. This is a 21st century idea that merits strong congressional support in the final decade of the 20th century.

[From the Evening Sun, Mar. 11, 1991]

RIDE TO THE FUTURE

While American technology has transformed the weapons of warfare, American inventions that could revolutionize daily life have languished or been adopted by foreign competitors. One such invention—magnetic levitation, or "maglev," a clean, quiet, vibration-free train that can travel in excess of 300 mph—was invented in this country in the 1960s. But anyone who wishes to ride a maglev train will have to travel to Germany or Japan. Maglev technology still needs some work, but many people say it could revolutionize transportation in the 21st century.

In an attempt to get this country back into the maglev arena, members of Congress are proposing legislation to build a prototype route of 30 or 40 miles. The big question, of course, is where—and a consortium called MAGLEV USA has a perfect answer: between Baltimore and Washington, D.C. The route has much to recommend it, since there is plenty of traffic between the two cities and a major airport could feed into the line. Once built, the line would fit nicely into a longer East Coast system. From a local perspective, the advantages for Maryland and its economy are obvious. Consider the boost to Baltimore if downtown Washington were a mere 15-minute ride away.

The ball is rolling on Capitol Hill, and MAGLEV USA has enlisted an impressive amount of local support from the private sector. For instance, Alex Brown, which helped finance the country's first commercial railroad, wants to continue its participation in pioneering transportation projects by helping underwrite maglev.

The missing link in this campaign is enthusiastic support from the state government. Tomorrow, however, the state House Ways and Means Committee will hear testimony on a joint resolution of the Maryland General Assembly sponsored by Prince George's Del. Joseph Rosapepe urging Congress to finance the project and to choose the Baltimore-Washington corridor as its location.

Eventually, of course, the state would be required to contribute a portion of the project's cost, 10 percent or so. But that contribution would be spread over several years and would not be required until 1993 at the earliest. By that time, Maryland can hope to have weathered the current fiscal crisis and be ready to help pioneer the transportation of the future.

HIGH-SPEED TRAIN LINK TO D.C. MAY GET ON TRACK

(By David Conn)

ANNAPOLIS.—Don't blink. A Buck Rogers high-speed railroad that could carry commuters from Washington to Baltimore in less than 15 minutes may be on the way. It will be so clean and quiet that at speeds of more than 300 mph, a momentary lapse in attention means you might miss the train. So don't blink.

This is the dream of a consortium of public and private organizations, more than half from Maryland, that is lobbying Congress and Maryland's General Assembly to finance construction of a prototype magnetic levitation, or maglev, line from Baltimore to Washington.

Maglev, invented in the United States in the 1960s, would use electromagnetic force to suspend a train a few inches above a guideway and then propel it quietly. An actual commercial railroad run by maglev is merely a pipe dream at this point, although prototype lines have been built in Germany and Japan.

But U.S. Sen. Daniel Patrick Moynihan, D-N.Y., is expected to introduce a bill within a few weeks calling for a federal commitment to a \$1 billion project to design and build a prototype maglev route of 30 or 40 miles.

Supporters of the plan predict that if Congress chooses Maryland for the first route, the project will transform the Baltimore area's economy, not only because of the tourism value and not just because a \$1 billion construction project would go up along Interstate 95.

"I think the major economic development impact is it's the most important thing we can do to drive the Baltimore and Washington economies together," said Delegate James C. Rosapepe, D-Prince George's, who has sponsored a joint resolution in the General Assembly to urge Congress to finance the project and to choose Baltimore and Washington as its end points.

"This would make the concept of the SMSA [Standard Metropolitan Statistical Area] a reality," Mr. Rosapepe said, "because it would mean that it would be very, very feasible for lots of people to live in Washington, and in Baltimore—and vice versa—or work in both cities at the same time."

The ride probably would take 15 minutes or less, including a stop at Baltimore-Washington International Airport that could help draw some travelers from National and Dulles, the other Washington-area airports.

Scientists think the current cost of building a maglev line—\$20 million to \$24 million a mile—could be lowered to \$10 million or less using technology now being studied.

Ideally, the price of a ticket would be competitive with those of tickets for other rail lines between the two cities, said William Boardman, president of the consortium, called MAGLEV USA.

The consortium's 12 members include Baltimore Gas and Electric Co., which wants to provide the electricity to run the train; Alex. Brown & Sons Inc., which helped finance the first commercial railroad in the United States and wants to do the same for maglev; Westinghouse Electric Corp.; Whiting-Turner Contracting Co.; Grumman Corp.; the Abell Foundation; Center City-Inner Harbor Management Inc.; the University of Maryland; and CSX Transportation Inc.

MAGLEV USA has been "trying to create interest with the federal government," Mr. Boardman said. "At the same time, we're

trying to create interest at the state and local level."

State officials will have to be more than a little interested to sign on to the project, which probably will cost Maryland 10 percent or more of the \$1 billion price tag.

There's no doubt that Baltimore needs faster, more frequent rail service between the two cities, said Robert Keller, president of the Greater Baltimore Committee. And maglev "has a magic to it because of the new technology," he said. "The question is, is it affordable?"

Delegate Thomas H. Hattery, D-Frederick, who co-sponsored Mr. Rosapepe's resolution, pointed out that a \$100 million project spread over four or five years is a relatively small bite out of the state Department of Transportation's \$1.5 billion annual budget. And the first installment of the money won't be needed until fiscal 1993, at the earliest.

Even for some who don't consider themselves maglev fanatics, the potential benefits to the region are clear. Federal agencies, national trade associations, law firms and non-profit organizations that were already beginning to take Baltimore seriously as a location would be more likely to move to the city if they were less than 30 minutes from Capitol Hill, Mr. Keller said.

Class A office space in Baltimore rents for \$10 to \$12 a square foot less than it does in Washington, he pointed out. The decision to move north would make sense "as the federal government searches for cost-effective ways of managing their agencies," Mr. Keller said.

Mr. Rosapepe thinks that Maryland, home of the first commercial railroad in the 1830s, cannot afford to miss out on one of the most important technologies of the 21st century.

"The reason the port of Baltimore expanded so much in the 19th century," he said, "is because we were the first to have a railroad"—the Baltimore & Ohio, which connected the city to the Midwestern markets beyond the Allegheny Mountains. "That was for a raw materials-based economy, and this is for a service-based economy."

David Brown, a MAGLEV USA member from BG&E, went even further. "In our opinion, this is going to be as important as the airplane for transportation in the next 40 years," he said.

But first, assuming Congress agrees to finance the project, the consortium must convince the lawmakers that Maryland is the place for maglev. There are six other locations looking into building a line, and some of them are farther along than Maryland in the planning stages.

The possible routes are Los Angeles to Las Vegas; Seattle to Tacoma, Wash.; the Orlando, Fla., airport to International Drive just outside Disneyworld; Pittsburgh's airport to the downtown area; and locations in upstate New York and Ohio, Mr. Boardman said.

For Mr. Rosapepe, Baltimore-Washington is the ideal route. Few other locations have the density of intercity traffic that maglev could relieve; the distance is just about right for a \$1 billion allocation; there is a major airport along the route to use maglev as a feeder; and the route is an obvious launching pad for running an extended maglev system along the Northeast Corridor.

Besides, the route is close to Washington, "so it'll get more attention from the decision-makers," Mr. Rosapepe said.

His resolution will be heard by the Ways and Means Committee next week, only two weeks after the federal government issued a request for proposals for about a half-dozen

small (\$1.5 million each) initial design contracts. A response is due at the end of April, Mr. Boardman said, noting that Maryland could show its interest by spending \$1 million or so to aid those studies.

"Within the next couple of months," he said, "there is an opportunity for the state to say, 'Yes, we want to play a role,' or 'No, we don't.'"

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. ADAMS):

S. 798. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

FREEDOM OF ACCESS TO CLINICAL ENTRANCES ACT

• Mr. CRANSTON. Mr. President, I am today introducing S. 798, the Freedom of Access to Clinic Entrances Act of 1991. This legislation is aimed at protecting the rights of women seeking medical assistance at health facilities which provide abortion services. It is intended to protect these women from physical interference with their right to enter and leave such facilities.

This measure is based upon a similar bill which I introduced in the last Congress as S. 2321. I am pleased to be joined in introducing this measure by the distinguished Senator from Oregon [Mr. PACKWOOD] and the Senator from Washington [Mr. ADAMS]. A companion bill is being introduced in the House of Representatives by my good friend and colleague from California, Representative MEL LEVINE.

Quite simply, Mr. President, the legislation we are introducing today would make it a Federal crime to prevent an individual from entering or exiting a medical facility by physically detaining the individual or obstructing, impeding, or hindering the individual's passage. Persons found guilty of a violation of this law would be subject to a fine or imprisonment of not more than 3 years or both. The legislation specifically provides that the term "physically" does not include speech. It also provides that any person aggrieved by a violation of this law may obtain appropriate relief, including injunctive relief, in a civil action and may recover reasonable attorney's fees.

Mr. President, this is a tough bill because we are dealing with a very serious problem. Medical facilities throughout the Nation which provide safe, legal abortion procedures for women exercising their constitutionally guaranteed right to choice have been under siege by highly organized groups like Operation Rescue. These organizations and groups are not engaged in peaceful, nonviolent protests. They are engaged in a concerted effort to force their will upon women and health providers by physically invading health facilities which provide abortion services, setting up blockades which prevent staff and patients from entering or leaving these facilities, and

engaging in direct physical assaults upon individuals attempting to enter the buildings.

According to statistics compiled by the National Abortion Federation [NAF], in last year alone there were 67 reported incidents of violence against health facilities providing abortion services. Since NAF began collecting this data in 1977, there have been a total of 829 reported incidents, including 34 bombings and 52 cases of arson, and 43 cases of attempted arson or bombing. There have also been more than 400 cases of clinic blockades.

One of the reported cases of arson in 1990 included a fire set at a Planned Parenthood clinic in Concord, CA. That arson incident last September resulted in 90,000 dollars' worth of damage to the clinic. Over the past 6 years, according to the NAF report, there were 12 incidents of arson or bombings or attempts in California. These incidents ranged from a Molotov cocktail thrown through the lobby window of a San Diego clinic to the partial destruction of a Riverside clinic by a fire set in the facility.

Mr. President, I ask unanimous consent that the NAF annual report on incidents of violence and disruption against abortion providers be printed in the RECORD at the conclusion of my remarks.

It is important to recognize that the NAF incident report includes only those cases reported to NAF. The actual number of cases is undoubtedly higher.

Indeed, during a series of meetings I held in California with prochoice organizations and health providers I repeatedly heard reports about the growing problem of clinic violence. Health facility employees and volunteers are routinely cautioned against wearing jewelry that can be ripped from their bodies by clinic protesters. Six patients and five staff members at a clinic in Monterey County were held prisoner in the facility for 6 hours by over 300 antichoice individuals. One patient seeking a scheduled cancer treatment was blocked from entering. Of the 104 individuals who were eventually arrested in this incident, only 6 were local residents. The rest were outsiders, brought in to shut down this local clinic.

In Daly City, CA, clinic blockaders refused to allow a pregnant patient who began suffering a miscarriage outside the clinic to enter. The clinic staff was finally able to find a car and transport the hysterical woman to another facility some 15 miles away.

Mr. President, these women's health facilities often provide a broad range of health services for women, including cancer screening, pap tests, treatment of reproductive disorders and family planning services. Patients who are unable to get into the facility may be forced to forego essential treatment

services. Moreover, clinic blockades could prevent or delay patients who may have a medical emergency from being transferred to a hospital. Blockading health facilities is a very dangerous activity and must be halted.

The most effective way to end this violence and interference with women exercising their constitutional right to freedom of choice is to make sure that those who engage in this kind of conduct know that they will face tough criminal sanctions. This legislation is designed to send a very strong message that those who violate the rights of others will be subjected to the full force and weight of the law.

NEED FOR FEDERAL LEGISLATION

Mr. President, criminal sanctions have traditionally fallen within the responsibility of the State governments. I am pleased to report that a number of States have begun to respond to this problem. The State of Maryland led the way in 1989 with enactment of the first State legislation making it a specific offense to interfere physically with an individual attempting to enter or exit a medical facility. In the past week, similar legislation has been introduced in the California Assembly. Legislation criminalizing clinic blockades has also been introduced in the Washington State Legislature.

At the same time, however, it is clear that a Federal criminal statute and Federal civil remedy are both necessary and appropriate in this instance. Historically, Federal criminal sanctions and remedies have been imposed, in addition to State criminal sanctions and remedies, where important Federal rights are at issue, where interstate activity is involved or where there is a compelling need to establish uniform Federal sanctions and protections. For example, Federal criminal sanctions and civil remedies for violation of civil rights were enacted during an era when certain regions of the Nation were unwilling to protect the rights of black citizens.

The circumstances warranting Federal remedies and sanctions are clearly present in this situation.

First, the basic right involved—the right of individual women to obtain safe and legal abortions services—is a federally protected right, guaranteed by the Constitution of the United States. The Federal Government has a responsibility and an obligation to help assure the protection of federally guaranteed rights.

Second, there is ample evidence to indicate that the assaults on these health clinics are being masterminded by organizations such as Operation Rescue which are interstate in nature and involve interstate conspiracies to interfere with the exercise of constitutionally guaranteed rights by individual women.

Third, although many State and local law enforcement officials have

been very courageous and vigorous in their efforts to protect the women and staff of these health facilities, there have been other instances where local government officials have refused to enforce the law against those engaged in clinic violence. For example, the sheriff of Nueces County, TX, has repeatedly stated that he "would not stop prolife demonstrators from blocking abortion clinics" or "take any action that would assist people to get into a place where abortions were going to be performed."

STRONG CRIMINAL SANCTIONS DO WORK

Mr. President, some may suggest that because of the emotional nature of the issues involved, imposing tough criminal penalties upon those engaged in clinic blockades will have little impact. The facts show exactly the opposite. In those jurisdictions where these individuals have been subject to stiff sentences and heavy fines, the violence and unlawful conduct has diminished. In Florida and New York, for example, heavy fines and tough jail sentences have forced leading Operation Rescue activists to cease their activities.

Unfortunately, in too many jurisdictions, clinic blockaders have been given token fines and suspended jail sentences.

This legislation would guarantee that punishment commensurate with the offense is actually imposed. Under the new Federal sentencing guidelines, repeat offenders and those who use physical force to impose their views on others will be subjected to stiffer penalties. The guidelines provide for increased penalties where a victim is physically restrained in the course of the offense, where the defendant was an organizer or leader of a criminal activity that involved five or more participants or where the defendant has a record of prior offenses. Thus, under the objective sentencing criteria outlined in the U.S. Sentencing Commission Guidelines Manual, the likelihood that these individuals will get minimal sentences is greatly diminished.

CLINIC BLOCKADES AND VIOLENCE IS NOT A LEGITIMATE FORM OF PROTEST

Mr. President, one thing should be made absolutely clear: those who oppose abortion have every right to make their views known. Freedom of speech is a deeply cherished right protected by the first amendment to our Constitution. Those who oppose abortion are free to engage in peaceful demonstrations, to picket, to pass out literature, and to engage in political activities to articulate their views.

Abortion is a deeply emotional and divisive issue. The passions on both sides often run deep and strong.

However, those who oppose freedom of choice in matters relating to abortion cross the line between legitimate protest and criminal conduct when

they physically prevent others from exercising their constitutional rights in this area.

Some have suggested an analogy between antichoice protesters and the civil rights protesters of the 1960's. In fact, antichoice protesters who go beyond peaceful protest and engage in violence, physical intimidation and assault have little in common with those who sought to assert and protect constitutional freedom during the turbulent civil rights struggles of the sixties. A closer analogy can, however, be drawn between these violent protesters and the segregationists who barred black citizens from entering school house doors in a vicious and often violent effort to deny black Americans free exercise of their constitutional rights.

Mr. President, this legislation is carefully crafted to protect women and health providers from physical violence while recognizing the right of legitimate protest. It specifically excludes activities related to freedom of speech and peaceful protest.

CONCLUSION

Mr. President, if we want the violence and physical intimidation to end, we need to send a very strong signal that it will not be tolerated. This measure is designed to deal with the specific problem of clinic blockades. It includes provisions which would not only provide for criminal sanctions, but also would allow individuals, women or health care providers, whose rights have been invaded by clinic blockaders to bring civil actions in Federal district courts to protect their rights. It authorizes appropriate relief, including injunctive relief, along with attorney's fees to be awarded to these aggrieved individuals. The bill specifically authorizes a private right of action to protect the rights of women and clinic staff seeking to enter or exit health facilities which provide abortion services. Similar relief has been

provided in Federal courts under other applicable Federal statutes, including civil rights statutes and the RICO statute.

Although a number of Federal courts have authorized injunctive relief under existing statutes, the Supreme Court's acceptance of a clinic blockade case arising out of the fourth circuit has caused some concern that an adverse high court decision in that case might curtail Federal civil remedies for victims of clinic blockades. This bill is specifically and intentionally tailored to deal with these abortion clinic blockades so that there can be no debate or argument as to its applicability or the power of Federal courts to grant appropriate relief in these cases. This remedy would be in addition to any other remedy which might be available to the victims of clinic blockades under other State or Federal statutes.

Finally, Mr. President, let me state again that the problem of clinic blockades is a very serious and important problem that must be resolved. Last year, I authored an amendment to the National Affordable Housing Act, enacted as section 906 of Public Law 101-625, which provides that municipalities which fail to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility which is the subject of a clinic blockade will lose their eligibility for community development block grant funds. I intend to work to assure that this new law is adequately enforced and to protect the constitutional right to freedom of choice for all women. Passage of this legislation will bring us a step closer to achieving that goal.

I am pleased that this legislation has been endorsed by a number of organizations concerned with protecting women's rights to freedom of choice including the National Abortion Federation, Planned Parenthood Federation of America, National Coalition of Abor-

tion Providers, and National Abortion Rights Action League.

I ask unanimous consent that the text of this bill, the NAF annual report, and letters from supporting organizations be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1991".

SEC. 2. TITLE 18 AMENDMENT.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 248. Interference with access to or egress from a medical facility

"(a) Whoever, other than an agent of a medical facility or a law enforcement officer acting within the scope of such officer's official authority, intentionally prevents an individual from entering or exiting that medical facility by physically—

"(1) detaining the individual; or

"(2) obstructing, impeding, or hindering the individual's passage,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) Any person aggrieved by a violation of this section may in a civil action under this title obtain appropriate relief (including injunctive relief), and shall be awarded a reasonable attorney's fee as a part of the costs.

"(c) As used in this section—

"(1) the term 'physically' does not include speech; and

"(2) the term 'medical facility' includes a hospital, clinic, physician's office, or other facility which provides health or surgical services."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Interference with access to or egress from a medical facility."

INCIDENTS OF VIOLENCE AND DISRUPTION AGAINST ABORTION PROVIDERS

	1977-83	1984	1985	1986	1987	1988	1989	1990	Total
Violence (number of incidents):¹									
Bombing	8	18	4	2	0	0	2	0	34
Arson	13	6	8	7	4	4	6	4	52
Attempted bombing or arson	5	6	10	5	8	3	2	4	43
Invasion	68	34	47	53	14	6	25	19	266
Vandalism	35	35	49	43	29	29	24	25	269
Assault and battery	11	7	7	11	5	5	12	6	64
Death threat	4	23	22	7	5	4	5	7	77
Kidnapping	2	0	0	0	0	0	0	0	2
Burglary	3	2	2	5	7	1	0	2	22
Total number of incidents reported	149	131	149	133	72	52	76	67	829
Disruption (number of clinics):²									
Hate mail and harassing calls	9	17	32	53	32	19	30	21
Bomb threats	9	32	75	51	28	21	21	11
Picketing	107	160	139	141	77	151	72	45
Clinic blockades:³									
Number of clinics	0	0	0	0	2	138	103	21
Number of incidents	0	0	0	0	2	182	201	34	419
Number of arrests	0	0	0	0	290	11,732	12,538	1,363	26,357

¹ Statistics represent incidents reported to NAF; actual number may be higher.

² Due to clinic duplication, totals for "number of clinics" are not applicable. Statistics represent incidents reported to NAF; actual number may be higher.

³ "Clinic blockades" are protests during which groups of demonstrators physically block the doors to reproductive healthcare facilities to prevent patient access.

Despite claims to be nonviolent, many "blockaders" are arrested for assault, trespass, and invasion. Note: The "number of arrests" represents the total number of arrests, not the total number of persons arrested—many blockaders are arrested repeatedly.

Date, Facility, and city/State	Incident	Estimated damage
ARSON AND BOMBING INCIDENTS, 1990		
January, 1990, Aid For Women, Kansas City, KS.	1 attempted arson	0
May, 1990, Lovejoy Surgicenter, Portland, OR.	1 arson	\$15,000
May, 1990, Planned Parenthood of Syracuse, Syracuse, NY.	1 arson; 2 attempted arsons	570
September, 1990, Planned Parenthood of Central Mass., Worcester, MA.	1 attempted bombing	500
September, 1990, Planned Parenthood of Shasta Diablo, Concord, CA.	1 arson	90,000
November, 1990, Fort Wayne Women's Health Organization, Fort Wayne, IN.	1 arson	10,000
Total		116,070
January, 1990, Memphis Center for Reproductive Health, Memphis, TN.	Concrete block thrown through window.	3,000
May, 1990, West End Women's Medical Group, Reno, NV.	Antichoice slogans painted on wall; stairs destroyed.	1,400
May, 1990, Allegheny Reproductive Health Service, Pittsburgh, PA.	Roof of clinic damaged with ax.	50,000
June, 1990, Planned Parenthood of Minnesota, St. Paul, MN.	Director assaulted at clinic	(¹)
July, 1990, Atlanta Surgi Center, Atlanta, GA.	Noxious chemical poured into ventilation system.	2,000
October, 1990, Women's Health Services, Pittsburgh, PA.	Noxious chemical flushed into clinic with water from floor above.	12,000
October, 1990, Northeast Women's Center, Phila., PA.	Safety glass on front door broken.	1,500
December, 1990, Women's Pavilion, South Bend, IN.	Roof vandalized	23,000
Total;		72,900
Total dollar damage to clinics.		188,970

¹ Unavailable.² Preliminary estimate.

Note.—See NAF's Violence and Disruption Fact Sheet for more information and totals of all incidents.

NATIONAL ABORTION FEDERATION,
Washington, DC, April 8, 1991.

Hon. ALAN CRANSTON,
Hart Senate Office Building, Washington, DC

DEAR SENATOR CRANSTON: On behalf of the National Abortion Federation (NAF), a national association of reproductive health care professionals, I fully endorse the Freedom of Access to Clinic Entrances Act. We appreciate your leadership in protecting women's health and safety.

All across the United States, women have been subjected to harassment, intimidation, and physical violence while trying to enter reproductive health facilities. Such actions clearly violate the rights and privacy of women, and can be dangerous or life-threatening in emergency situations.

In the absence of a national law specifically addressing the issue of access, many clinics have been forced to spend thousands of dollars in legal fees and court costs so that their patients could enjoy a freedom which is already theirs according to law. If enacted, the Freedom of Access to Clinic Entrances Act will provide badly needed protection, allowing women unhindered access to gynecological and abortion services.

It is unfortunate that, for women, Congressional action is a prerequisite to free access to health care. We deeply appreciate your recognition of this serious problem and your attempts to rectify it. Please let us know if we can assist you in any way.

Sincerely,

BARBARA RADFORD,
Executive Director.

**PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,**
Washington, DC, April 8, 1991.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Thank you in advance for introducing the "Free Access to Clinic Entrances Act of 1991." This bill is unfortunately necessary to help stop attempts to close clinics, doctors' offices and hospitals that offer reproductive health services to women and their families. By making it a federal felony to interfere with a person entering or exiting a medical facility, this act should help to deter those who try to prevent women's access to legal medical procedures.

During the past several years, many clinics across the country have been subject to blockade and invasion by groups such as Operation Rescue. While none of our clinics has been forced to close, women seeking services have been harassed and medical services they sought have often been delayed. Employees also have been subjected not only to verbal abuse but also in some cases to physical assault. In some jurisdictions, prosecution under local or state laws has helped to deter recurrence of these crimes. However, in many instances this has not been the case. The passage of a federal statute guaranteeing a woman's access to medical facilities will provide an added measure of protection to women seeking reproductive health services.

Again, thank you for taking this important step in protecting a woman's right to abortion. We pledge the assistance of Planned Parenthood in helping to secure enactment.

Sincerely,

WILLIAM W. HAMILTON, Jr.,
Director, Washington Office.

**NATIONAL COALITION OF
ABORTION PROVIDERS,**
Washington, DC, March 18, 1991.

Hon. ALAN CRANSTON,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: Thank you for sending to me the latest version of the "Freedom of Access to Clinic Entrances Act."

On behalf of all of our clinics, I would like to express my enthusiastic support for this legislation. The simple fact is that providers everywhere need as many tools as possible to stop protestors from stopping patients from entering clinics. All too often, local laws (if they are enforced) do not deter such behavior. While this will not solve the problem single-handedly, it will surely be of great assistance to our clinics.

Again, thank you for your efforts in this area. Please feel free to call upon me for any assistance that you think I can provide.

With warm regards,

RON FITZSIMMONS,
Executive Director.

**NATIONAL ABORTION RIGHTS
ACTION LEAGUE,**
Washington, DC, April 8, 1991.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: The National Abortion Rights Action League endorses wholeheartedly the efforts you and Representative Levine have undertaken to introduce legislation to make it a felony to forcibly stop an individual from entering or leaving a medical facility. The Freedom of Access to Clinic Entrances Act imposes necessary penalties while continuing to guaran-

tee opponents of abortion and family planning the right to make their views known through peaceful demonstrations.

Over the past few years, incidents of violence and intimidation that have escalated at hospitals, clinics and doctors' offices where reproductive health services, including abortion, are provided.

Spearheaded by "Operation Rescue," opponents of women's right to choose abortion have blockaded entrances to health facilities all over the country. Their efforts to block the civil rights of others have erupted into cases of violence, neighborhood disturbance, and have produced an undue drain on limited local law enforcement services. The tactics of these anti-choice demonstrators have succeeded in denying women access to needed health care, including the family planning services necessary to prevent unplanned pregnancies.

NARAL supports your bill and will urge members of the Senate and House to join you and Rep. Levine as cosponsors of the Freedom of Access to Clinic Entrances Act. This important legislation represents a positive step toward correcting the untenable situation caused by unlawful actions and protects the rights of individuals seeking medical treatment.

If you need any assistance, please contact the NARAL legislative staff at 408-4600. Thank you for your continued efforts to protect the health interests of women.

Sincerely,

KATE MICHELMAN,
Executive Director. •

By Mr. NICKLES:

S. 799. A bill to amend the Davis-Bacon Act and the Service Contract Act of 1965 to exempt from such acts tenants of federally related housing who participate in the construction, alteration, or repair of their principle residences, and for other purposes; to the Committee on Labor and Human Resources.

RESIDENT EMPLOYMENT OPPORTUNITY ACT

• Mr. NICKLES. Mr. President, I am introducing a bill today which I believe will have significant impact on the lives of many residents of public and federally assisted housing projects.

This bill, the Resident Employment Opportunity Act, will open the door of opportunity for tenants across the country who want to be able to compete for construction, alteration, and repair work on the project which they are currently residing.

Under current law, a tenant is forced to sit idly while a Federal contractor brings in outside workers because of an outdated Federal law which does not allow Federal contractors to pay nontenant workers at market wages.

The Davis-Bacon Act requires contractors to pay all workers on federally funded construction projects valued at more than \$2,000 the prevailing wage for that type of work, as determined by the Department of Labor. This policy costs the taxpayer \$900 million per year and shuts out those laborers who do not have the skills to command the higher wages.

I see no reason why this bill should not be considered and passed by the

Senate. An amendment which also allowed the homeless to work on their shelters passed the Senate by voice vote in 1987. This past session, I offered a tenant exemption amendment to the National Affordable Housing Act and it was tabled. However, the bill that I am introducing today is quite narrowly drafted.

My bill, the Resident Employment Opportunity Act, exempts only tenants of public housing or federally assisted housing projects and only when the work is on his or her principal residence. Principal residence is defined in the bill as the building in which a tenant resides, any building located in the same project, and any real property that is managed as part of the project.

While reform of the Davis-Bacon Act is important, at this time, I am simply asking Congress to consider a narrowly drafted bill which will benefit those individuals who are looking for a way to improve their lives for themselves and their families. This bill will provide an opportunity for on-the-job training which will lead to the development of new skills and eventual independence. I urge the support of my colleagues.

Mr. President, I ask unanimous consent that a letter from Secretary Kemp relative to this legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, March 11, 1991.

Senator DON NICKLES,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR DON: I am writing to let you know of my interest in and support of your efforts to create greater opportunities for jobs and entrepreneurship in our nation's public and assisted housing communities.

As you know, I recently visited two assisted housing communities in Tulsa, Oklahoma—Morning Star Village and Vernon Manor. I was impressed by the determination of the residents of these communities to make a better life for themselves and their children.

The Resident Employment Opportunity Act, which I understand you plan to introduce, will allow public housing residents to learn skills and gain work experience at competitive wages when they are working on the construction, alteration or repair of their own homes. It will do so by allowing Davis-Bacon and other federal wage rates to be waived when public and assisted housing tenants are hired by contractors to assist with the construction and rehabilitation of their own homes.

Low income residents of public and assisted housing should be given the chance to compete for these jobs. I commend you for your efforts to expand jobs and entrepreneurial opportunities in our nation's public and assisted housing communities.

Very sincerely yours,

JACK KEMP,
Secretary.

By Mr. PACKWOOD (for himself
and Mr. HATFIELD):

S. 800. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; to the Committee on the Judiciary.

RELIEF OF PARINI FAMILY

• Mr. PACKWOOD. Mr. President, today Senator HATFIELD and I are introducing legislation which would allow three of our constituents to become U.S. Citizens. Felix Juan Parini, Sergio Manuel Parini, and Carmen Victoria Parini all believed they were U.S. citizens by virtue of their father's citizenship. However, in 1987, when Felix Juan Parini applied for a passport renewal, it was discovered that his father had not met the residency requirements to pass citizenship on to Felix, Sergio, or Carmen. Before this time, all three had believed in good faith that they were U.S. citizens. The misunderstanding was due not to any fault on the part of the Parini's, but to apparent agency errors. Both the State Department and the Immigration and Naturalization Service have concluded that private legislation is the only way to remedy this unfortunate situation.

Mr. President, I rarely introduce private legislation. I reserve it for those cases which I believe to be truly meritorious and in need of extraordinary relief. The Parini's have been ambitious, contributing members of their community, pursuing careers and education. In addition, Felix Juan Parini serves in the Oregon National Guard, and for several months was on standby to be sent to the Persian Gulf.

I am pleased to introduce legislation today that will allow Felix, Sergio, and Carmen Parini to become U.S. Citizens.

By Mr. REID (for himself, Mr. BRYAN, Mr. SARBANES, Mr. WIRTH, Mr. GARN, Mr. JEFFORDS, Mr. DANFORTH, and Mr. HATCH):

S. 801. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

NATIONAL TRAILS SYSTEM ACT AMENDMENTS

Mr. REID. Mr. President, today it is my privilege to introduce legislation to designate the Pony Express Trail and the California Trail as National Historic Trails under the National Trails System.

The Pony Express galloped into postal history on April 3, 1860. It was like a giant relay, in which about 75 ponies ran in each direction. At each station, these heroic riders were given only 2 minutes in which to transfer the saddle bags to fresh ponies and be on their way again. The Express ran day and night, in all kinds of weather and in the face of Indian attack. In the 18 months that the Express operated, only one trip was missed when a westbound

rider charged into Dry Creek Station, clinging to his saddle horn. He had been fatally wounded by Indians and died in a few hours, but he had brought the mail through in its blood stained mochilla, a leather saddle blanket containing four cantinas or boxes for carrying the mail. The service was sponsored and financially supported by a well-known freighting firm of the time: Russell, Majors, and Waddell.

William H. Russell had failed repeatedly to get backing from the Senate Post Office and Post Roads Committee for an express route to carry mail between St. Joseph, MO—the westernmost point reached by the railroad and telegraph—and California.

St. Joseph was the strategic starting point for the direct 2,000 mile central route to the West. Except for a few forts and settlements, however, the route beyond St. Joseph was a vast, silent wilderness inhabited primarily by Indians.

Russell's freighting firm lost more than \$100,000 on the Pony Express—a loss he could ill afford. Undismayed, he kept the Pony Express going.

The project was pushed vigorously. The route followed the well-known Oregon-California trail by way of Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, and California. Stations were built at intervals of about 15 miles, wherever stage stations did not already exist.

Fleet, wiry, Indian ponies were purchased. Young, courageous, lightweight riders were hired. Although the written rule was to hire no one under the age of 20, the actual ages of these pony men averaged slightly under 19. Many an eager applicant did not hesitate to up his birth date a year or two in order to get the job. Riders were recruited hastily, but before being hired had to swear on a Bible not to cuss, fight, or abuse their animals. They pledged, under all circumstances, to conduct themselves honestly.

The first mail by Pony Express from St. Joseph to Sacramento took 10½ days, cutting the Overland Stage time by more than half. The fastest delivery time was in March 1861, when the inaugural address of President Lincoln was carried in 7 days and 17 hours.

The Pony Express has a secure, permanent place in the catalog of American folklore. Two of its famous sons, "Buffalo Bill" Cody and "Wild Bill" Hickok, has served as pioneer heroes to millions of young Americans. Recently it has been celebrated and popularized in a weekly TV series. It is a symbol of the bravery and can-do optimism of our pioneer youth.

The California Trail was the route of the greatest mass migration in American history. Over a 20-year period, 1841 to 1860, more than 200,000 pioneers made this great trek west. This legendary highway opened up the Western frontier and tied what was known as

the Island of California together with the older and more settled east coast.

The most feared section along the entire California Trail is found in my home State of Nevada, southwest of the town of Lovelock. Here the pioneers had to cross the dreaded Forty-Mile Desert. Lacking both water and grass, this stretch of country was considered not far short of Hades. The adversity that was endured in the Forty-Mile is best captured by the following entry of October 3, 1849, in the *Journal of Mrs. Sarah Royce*:

Should we try to go on? But there were miles of desert before us, in which we knew, neither grass or water could be found. With unwearied gaze my eyes swept, again and again, the shimmering horizon. There was no help or hope out there. Then I looked out at what lay nearest. How short lived our few remaining resources would be, unless fresh strength came from somewhere. How still it was. Only the sound of a few feeble breaths. It would not take many hours of starvation to quiet them forever.

Independence, MO, was the jumping off point for the emigrants to the West. The city, made famous by President Harry Truman in this century, had an economy geared to outfitting and provisioning the pilgrims. Here a family could purchase all that was needed for the westward trip and a good deal that was not needed.

The busy season along the trail was early spring. The pioneers gathered in vast camps on the outskirts of Independence, waiting for the first signs of green grass on the Great Plains. This grass provided the valuable pasture for their oxen, horses, and mules on whose strength the wagon teams moved. When they signed on for the journey west, each pioneer was sworn to agree to strict rules of conduct and cooperation.

The business of a wagon train was movement. Ideally, people bound for California wanted to make 20 miles a day. Few maintained that pace. Some observed the Christian Sabbath, camping all day Sunday. Delays were caused by severe storms, unseasonably swollen rivers, injury, illness and the call to make repairs on equipment and wagons.

The object was to keep moving. The pioneers adjusted to the demands of the trail. The only other choice was turning back or even death, from being on the wrong stretch of the trail at the wrong time of the year.

By and large, the California emigration was a family affair. The emigrants banded together in companies of 50 to 100 people for protection and mutual assistance. At mealtime, they usually ate alone with their own families. As night approached, they circled their wagons for protection. The next day would bring more exhausting challenges from moving a hundred wagons and hundreds of cattle, horses, and mules.

Even before the streams of wagons wore deep ruts into the sod, scars that can still be seen today, the route was marked like a highway with broken furniture, empty barrels, skeletons of worn out livestock, broken down wagons and simple grave markers that signaled the end of someone's dream.

The California Trail has a colorful history of heroes, adventurers, and dreamers. These real people went West, made millions, built cities, laid railroads, broke farmland, and carved out great ranches. They dreamed, struggled, failed, or prospered against incredible odds.

There was Brigham Young with his dream to make the Great Salt Lake desert bloom; miners who discovered, prospered and faded along with Nevada's Comstock lode; the tragic Donner Party; and the brave wagon train scouts—John C. Fremont and Kit Carson.

The California Trail represents one of the great dramas in all of human history. This great highway helped settle our Nation. It linked the Atlantic and Pacific coasts in ways never imagined by our Colonial Founders. The bill I am introducing will help all Americans remember the exploration, wealth, hardships, and golden chance to build a new life in a new land. That is the legacy of the California Trail. It is worth preserving.

The completion of the transcontinental railroad in 1869 ushered in the most remarkable age of development in our Nation's history. It should be remembered, however, that the transcontinental railroad followed many of the trails blazed years before by the Pony Express and wagon trains on the California Trail. Many lives were lost on those trails that we speed over today so effortlessly by train and automobile.

The time has come to honor these pioneer heroes and acknowledge the national historical importance of the Pony Express Trail.

Mr. President, this bill reflects the congressional spirit and intent of the National Trails System Act. It promotes the recognition, protection and interpretation of our pioneer history. It would cause a comprehensive management plan to be prepared for each trail. A plan that would define the roles of Federal, State, and local agencies and private citizens. A plan that would define the specific management actions for each trail. Management actions that would include, among others: Consistent marking along each trail to make it easier for visitors to find and retrace our pioneer footsteps—literally bringing history back to life again. It would also include informative brochures, expanded research and visitor facilities to increase our knowledge of pioneer life, and needed protection for at risk sections of the trail. Access to portions of trail on non-Fed-

eral lands would be improved through the use of negotiated agreement, without raising Federal costs and dislocating private landowners.

By introducing this legislation today, I intend to repay our debt to the early western pioneers, those gallant pony men and their courageous benefactors, and recognize the significance of this historical episode in our country's western expansion.

I urge my colleagues to support swift passage of this legislation.

By Mr. SIMON:

S. 802. A bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

INTERNATIONAL MEDICAL GRADUATES ANTI-DISCRIMINATION ACT

• Mr. SIMON. Mr. President, I am introducing today, along with my distinguished colleague, Mr. LIEBERMAN, a comprehensive bill to end the discrimination that international medical graduates [IMG's] experience in medical licensure. This legislation will eliminate the differences in medical licensure requirements between internationally trained and domestically trained medical graduates and will enable the Federal Government to oversee the creation and operation of a national repository of medical credentials. It will not lower the standards of medical practice in any State. Nor will it in any way reduce the authority of any State to set and uphold standards for practice in a State.

This legislation is a response to the May 1990 General Accounting Office report entitled "Medical Licensing by Endorsement: Requirements Differ for Graduates of Foreign and U.S. Medical Schools" and to a hearing held by the Senate Labor and Human Resources Committee on July 26, 1990, on licensing requirements of international medical graduates.

The 123,000 of our Nation's 569,000 physicians are international medical graduates. IMG's represent 20 percent of medical school faculties and 25 percent of medical researchers. Eighteen international medical graduates have been awarded the Nobel Prize in medicine. International medical graduates practice in underserved areas, remote rural areas, overcrowded urban hospitals, and the back wards of State mental hospitals. Although we rely on international medical graduates to provide needed care in these areas, we must recognize that we have maintained a double standard in evaluating their competence. We have failed to provide them with equal opportunity to practice medicine in our society.

Despite studies that have demonstrated that IMG's are comparable in

medical knowledge and clinical skills to their domestically trained counterparts, and despite significant contributions to medical care in this country, they are subjected to a two-tiered system of medical licensure that often prevents them from practicing in a particular State. The additional hoops that IMG's must pass through in order to receive their license is nothing less than a vehicle for discrimination.

The hearing held by the Labor and Human Resources Committee clearly demonstrated that incidents of disparate treatment between U.S. and international medical graduates is not a rarity. Overt discrimination ranges from overly burdensome requirements that are routinely placed on IMG's for initial licensure and for licensure by endorsement in another State to outright refusal to accept IMG's into residency programs and jobs regardless of the nature of training and competence. Document retrieval is often nearly impossible for IMG's and extensive delays or minimal notice of opportunity for a hearing by a State board are not uncommon. Covert discrimination is demonstrated through decisions involving employment and promotion opportunities, access to hospital privileges and peer reviews that adversely affect IMG's.

This legislation will prohibit a State, Federal agency, or private facility from subjecting an international medical graduate who has completed a residency training in the United States to any condition or requirement that materially differs from those applied to graduates of U.S. medical schools in the areas of initial licensure and licensure by endorsement. Another important component of the bill is the establishment of a national clearinghouse, or repository, for medical credentials.

The bill would mandate that the Secretary of Health and Human Services provide for the establishment of a national repository for physician credentials. However, the bill allows the Secretary to utilize an existing facility, including any private sector initiatives, to operate this. The Secretary would create an advisory council whose purpose would be to issue recommendations to establish the repository and to monitor the operation of the repository.

Medical licensure is under the jurisdiction for the States. Each State has its own licensure requirements for physicians. Because international medical schools are not accredited by the Liaison Committee for Medical Education, State licensing boards place the burden on IMG's to prove the equivalency of his or her education. The GAO report described the difficulty that IMG's have in addressing State licensing boards' inquiries regarding their schools. Often a licensed, practicing physician must provide information to a second State licensing board that has

already been provided to one State licensing board. It frequently takes much longer for a practicing IMG to process applications for licensure by endorsement than it does for U.S. medical graduates.

As part of their report, the GAO convened a roundtable discussion of groups representing organized medicine and IMG's. These groups agreed that a clearinghouse for applicants' records would streamline the process for State-to-State licensing and would limit duplicative State efforts as well as avoiding delays for practicing IMG's who seek licensure in a second State. The repository would make it easier for IMG's who seek licensure in a second State. The repository would make it easier for IMG's and, in fact, all the graduates, to verify educational training credentials.

The GAO roundtable participants agreed to address some of the key questions regarding the repository's concept and design such as which organization would be best suited for administering the clearinghouse and what types of information it would maintain. I understand that this process is underway. Both the American Medical Association and the Educational Commission for Foreign Medical Graduates already have large data banks on the backgrounds of IMG's and could house such a repository.

The AMA has already begun a National Physicians Credentials Verification service in Mississippi, Missouri, and Oklahoma. The soon to be national service will collect, verify, and maintain documents and accreditation information for physician subscribers preparing to apply for medical licensure and hospital privileges. Under AMA's system, physicians pay a fee to set up a file and hospitals pay a fee for each information request. Although the clearinghouse should be self-supporting, this bill authorizes appropriations to start the operation of the repository.

While I commend the AMA for their initiative, their program lacks a forum for IMG's to facilitate their concerns. This legislation creates an appropriate and fair forum for IMG's as well as representatives from other appropriate organizations to make recommendations to the Secretary of Health and Human Services regarding the repository.

This measure also authorizes funding for the new U.S. medical licensing exam. This single examination pathway to licensure will be administered to all medical licensure applicants and is one positive step toward ending the two-tiered system of licensure.

Finally, the bill requires the Secretary to obtain data from 10 States on the processing of applications for licensure, postgraduate training and clinical privileges. The bill would also make it unlawful for a residency training program to deny a residency posi-

tion to a qualified international medical graduate.

Although we cannot eliminate every vestige of discrimination, we can do a lot better than we are doing right now. I urge my colleagues to support this legislation. •

By Mr. REID:

S. 803. A bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes; to the Committee on Labor and Human Resources.

GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS

Mr. REID. Mr. President, I rise to introduce an important piece of legislation, which addresses a tragedy that threatens our society in every way. This legislation is entitled the Domestic Violence Act.

During my presentation today, as brief as it will be, 16 women in our country will be battered by their husbands or companions. Every 18 seconds, a woman in the United States is battered. This adds up to 200 women battered every hour, or almost 5,000 battered every day.

Mr. President, this is a series of episodes that takes no vacations, no time off for Christmas, New Year's, Thanksgiving, Easter, and no Sundays off. These batterings go on every second. So when you hear the stories and look at the statistics, you are going to be forced to conclude that no one is safe from domestic violence. Sadly, well over 90 percent of this violence is directed toward women.

This legislation is born out of hearings I held recently in the State of Nevada. I held hearings in Las Vegas and Reno. We heard 22 witnesses. We heard the experts as to why this legislation is necessary. We heard testimony from people who had been battered. We even heard testimony, Mr. President, from batterers, who are in the process of reforming. We heard testimony from police officers, and from a wide range of people.

But the most shocking thing I heard during these hearings was the fact that one out of every five women that visit an emergency room clinic or hospital are there as a result of being beaten by her husband or her companion. One out of every five persons—20 percent of the women—that go to the emergency room is there as a result of having been beaten by her husband or companion.

The Domestic Violence Act provides Federal funds to State coalitions on domestic violence, the nonprofit agencies which coordinate the activities.

There are other contributions this legislation will make, but it is important that we talk about this, because these coalitions will utilize their funds for further intervention in the prevention of domestic violence, will work with family law judges and other

judges and other aspects of our court system to develop appropriate responses to cases, and conduct public education campaigns to inform and educate Americans about domestic violence.

The overwhelming need for this legislation is clear. Domestic violence is a misery which does not discriminate. It knows no bounds of income class, race, or religion. These women, many, many times, Mr. President, are totally helpless.

The greater Las Vegas metropolitan area, consisting of 850,000 people, has 27 beds for domestic violence cases for women that need to get away from their situation. There are 27 beds. Remember, we are talking about beds for women and children. So if a woman comes in and has three children, it is easy to understand that there are just a few women that can be helped on any one occasion. The same is true in Reno. The problem is that it is the same everywhere in the country. We simply do not have enough domestic crisis shelters to protect these battered women.

According to the Center for Women policy studies, violence against women will occur in two-thirds of all marriages. Twenty-five percent of all women will be severely beaten at some time during their marriage.

If men were the victims of this violence something would have been done a long time ago. My legislation adds to the ongoing courageous efforts of my colleague from Delaware, the chairman of the Judiciary Committee, Senator JOSEPH BIDEN, who introduced S. 15, which I gladly cosponsor. This is entitled a Violence Against Women act. Like this legislation my bill will help women who are victims of crime. Violence against women will not be tolerated in American society. Today we begin a move toward eliminating it.

I urge my colleagues to support this legislation, and I look forward to decisive action on this bill.

By Mr. AKAKA:

S. 804. A bill to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center and make funds available to the facility for renewable energy and ocean resources research, development, and transfer; to the Committee on Energy and Natural Resources.

SPARK M. MATSUNAGA RENEWABLE ENERGY AND OCEAN TECHNOLOGY CENTER

• Mr. AKAKA. Mr. President, next week Monday, April 15, will be the first anniversary of the death of the late Senator Spark Matsunaga. Spark was a dear friend of mine, and certainly one of the most well-liked and well-respected Senators ever to walk the halls of Congress. No doubt many of you can recall a favorite story or two when you think of Sparky.

I stand before you today to mark the anniversary of Sparky's passing and to

remember his many passions—and they were many: creation of the U.S. Institute of Peace; international cooperation in space exploration and a proposed joint United States-Soviet manned mission to Mars; redress for the thousands of Japanese-Americans interned during World War II; alternative energy research; and the list goes on.

Mr. President, one of Sparky's greatest dreams was the pursuit of renewable energy. To pay his memory the highest honor, I am introducing legislation today to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center. Spark gave so much to our country and Hawaii. My bill is a show of gratitude for his many years of service.

Senator Matsunaga was a longstanding champion and a leading advocate for research and development in the field of renewable energy. I speak of solar and wind power, ocean thermal, biomass, hydrogen, and other sources of clean and abundant energy. Sparky spent 28 years in the House and Senate tirelessly pursuing his vision of a more energy-secure America. He convinced many others that renewable energy could provide a sustained source of nonpolluting energy—kind to the environment, a boost to the economy, and a godsend to an energy-starved world.

It was no accident, Mr. President, that Sparky made renewable energy research one of his highest priorities. He realized that our home State of Hawaii, more so than any other State in the Union, was dangerously dependent on imported fossil fuels. The greatest irony, I should point out, is that Hawaii has an incredible diversity and abundance of clean sources of power: wind, solar, ocean thermal, and biomass, for starters. We simply lack the tools to tap their full potential.

The Matsunaga Renewable Energy Center, to be located at Keahole Point, HI, would serve as a national laboratory for energy research and ocean technology development. The Center would be administered through the Department of Energy to conduct research and development in solar, hydrogen, and other forms of renewable energy as well as energy storage systems. The Center would also be the site for energy-related research in such fields as marine science, aquaculture, and ocean and global climate change.

I envision the Matsunaga Center as a mecca for our Nation's leading energy researchers and scientists. This lab would coordinate the numerous disparate projects at our universities, government agencies, and the private sector. And the center could save precious years which are lost in advancing ideas from the drawing board to the marketplace. As Energy Secretary Watkins has noted, national laboratories have traditionally been home to some of the

world's brightest and most innovative scientists and engineers.

Mr. President, the recent Persian Gulf war underscores what Sparky had long been saying—that we cannot simply "stay the course." This time we were extremely lucky. But next time, Mr. President—who can predict what lies ahead?

Spark Matsunaga had the foresight to recognize the potential of renewable energy. We can turn his vision into reality by establishing the Spark Matsunaga Renewable Energy Center. There is no higher honor we can pay to our late colleague than to say, "Sparky, you were right. Let me follow in your footsteps and pick up where you left off." •

By Mr. HELMS:

S. 805. A bill to provide for regulations to require certain consumers of newsprint to use, in their commercial operations, a certain percentage of recycled newsprint; to the Committee on Environment and Public Works.

NEWSPRINT RECYCLING ACT

Mr. HELMS. Mr. President, today I introduce legislation to promote the recycling of newsprint by requiring the major newspaper publishing companies of the United States to use 40 percent recycled newsprint by the year 2000. This will save untold millions of trees and countless thousands of cubic yards of scarce landfill space.

This legislation will not apply to publishing companies using less than 1,000 tons of newsprint annually.

Mr. President, recycling is one of the simplest ways to preserve the environment. It is just common sense. Increasing recycling makes sense for several reasons:

First, landfills are rapidly reaching their capacity. A recent report estimates that 50 percent of all landfills will close within 5 years. Every year, about 9 million tons of newspaper is dumped into landfills. If the major newspapers of the United States used 40 percent recycled paper, several million cubic feet of landfill space would be saved. Obviously, existing landfills would not fill up so fast.

Second, by using more recycled paper, millions of trees will be saved. Experts tell me that about 17 trees are cut down to produce each ton of virgin newsprint. So, if the New York Times, the Washington Post, and the Nation's other big newspaper publishing companies used more recycled paper, it would spare millions of trees.

Mr. President, in 1988, newspapers in the United States consumed about 14 million tons of paper. But only 13 percent was recycled paper. Some newspapers do even less.

In my home State of North Carolina, for example, the Raleigh News and Observer uses only 3 percent recycled paper; the Greensboro News and Record uses only 10 to 12 percent; and the

Asheville Citizen uses no recycled paper at all.

The Washington Post uses only 5 percent recycled paper. The New York Times and the Boston Globe use only 8 percent each.

One would think that newspapers would be in the forefront in trying to help the environment. These big newspapers constantly publish editorials urging that our forests be protected. It's a matter of "do as I say, not as I do" insofar as these multimillion dollar publishing companies are concerned.

If the Raleigh News and Observer, the Greensboro News and Record, and the Asheville Citizen used 40 percent recycled paper, 340,000 trees a year would be saved, not to mention the landfill space. Nationwide, if newspapers had used 40 percent recycled paper in 1988, 50 million trees would have been saved.

Perhaps it is time for newspapers to practice what they preach!

Mr. President, one of the problems that recycling programs have encountered is a lack of demand for recycled paper. The market price for old newspapers has dropped as the supply has increased. Some communities with newspaper recycling programs have found it difficult to get rid of the tons of discarded newspapers.

A North Carolina county official put it this way: "It costs us 10 times more to haul those newspapers away than the revenue we get from selling them." The same is true all across the Nation.

Requiring newspapers to use 40 percent recycled paper will increase the demand for recycled paper. This in turn will restore the incentive for communities across the Nation to recycle discarded newspapers.

Mr. President, some may wonder if the paper mills will be able to produce enough recycled paper by year 2000. Well, a report by the National Solid Waste Management Association estimates that newsprint mills will add the necessary de-inking capacity. The industry plans to add 4.6 million tons of additional capacity by 1992.

The report concludes that "recycled fiber content for newsprint manufactured in North America is expected to reach 25 percent by 1995 and 40 percent by year 2000." So the capacity to produce recycled paper will be available.

Mr. President, my legislation does not require that each of the enormous rolls of paper purchased by the newspaper must contain 40 percent recycled fiber. The legislation merely requires that there be an average of 40 percent recycled fiber in all the paper purchases in a given year.

Furthermore, the legislation provides credits for newspapers using more recycled paper than the amount required by this legislation, giving newspapers an incentive to use more recycled paper. It also allows newspaper publishers to

sell the credits to newspapers that may have difficulty in meeting the 40-percent recycling requirement.

In any event, Mr. President, the bottom line is that this legislation is good for the environment—it will save trees and scarce landfill space.

By Mr. ADAMS:

S. 806. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the city of Seattle, WA, and for other purposes; to the Committee on Armed Services.

WARREN G. MAGNUSON MEMORIAL PARK

Mr. ADAMS. Mr. President, Senator Warren G. Magnuson was a mentor as well as a good friend. To the people of Washington State, he left a rich legacy measured in terms of Federal projects, personal friendships, loyalties, and memories. Today, we have an opportunity to salute that legacy and further enrich the lives of Washington residents.

Along with my colleague Representative JOHN MILLER, I am introducing legislation to transfer surplus Federal property from the Puget Sound Naval Base to the adjacent Warren G. Magnuson Park. This park, which overlooks Lake Washington and provides a beautiful view of the mountains to the east, is frequented by thousands of Washington State recreationists every year. The land transfer I propose would greatly enhance recreational opportunities in the park, which already include swimming, boating, and tennis. Furthermore, this transfer shares the enthusiastic support of the city, local community groups, and the State's entire congressional delegation.

Senator Magnuson's tremendous vision and foresight first brought this park into being in the 1970's. As the late Senator's wife, Jermaine Magnuson, recently wrote, an expanded park "would be a warm and lasting tribute to the work of my late husband." I ask my fellow Senators to join me in giving the people of Washington State a living memorial to my friend and colleague, Warren G. Magnuson.

By Mr. HATCH (for himself and Mr. GARN):

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, UT, to lease a certain tract of land for a period of not more than 70 years; to the Committee on Energy and Natural Resources.

MT. OLIVET CEMETERY LEASES

Mr. HATCH. Mr. President, the legislation I am introducing today along with my Utah colleague, Senator GARN, would allow the Mt. Olivet Cemetery Association of Salt Lake City, UT, to lease a tract of land for a period of not more than 70 years. When the Mt. Olivet Cemetery Association obtained land from the Federal Government in 1909, it was with the understanding that the land would be used

only for the burial of the dead—any other use and the land would revert to the United States.

The Mt. Olivet Cemetery has provided a valuable service to the Salt Lake community since 1909 and it will continue to do so. However, it is estimated that approximately 35 acres of cemetery property will not be needed for at least 70 years. That land is now a weeded, unattractive and insect-infested vacant lot. This legislation would allow the Cemetery Association to ensure that the property is utilized in a worthwhile manner until it is needed by the cemetery.

At this time, the Cemetery Association plans to lease the land for the development of a golf teaching and practice facility which will serve the community in a number of ways. It will provide recreational opportunities for citizens of Salt Lake City while eliminating a unsightly vacant lot. The improvements that are designed to serve the golf facility in terms of irrigation systems and landscaping will, in the future, reduce the development cost to Mount Olivet and hopefully reduce the cost of interment for the citizens of this community. I believe it will turn what is now totally unproductive land into an attractive recreational amenity.

This proposal has been endorsed by Salt Lake City, Salt Lake County, the Cemetery Association, the city planning and zoning board, the Utah Golf Association, the Salt Lake City Director of Parks, and the Utah National Guard, which shares a boundary with the existing vacant lot. Public hearings have been held and no one has expressed opposition to the proposal.

I believe this legislation is non-controversial and worthwhile. Passage would enable development that would be a real asset to Salt Lake City. However, it is contingent upon receiving approval of this body and I look forward to moving it through the legislative process.

By Mr. MURKOWSKI:

S. 808. A bill to provide for the payment of claims by United States nationals against Vietnam and to terminate certain economic sanctions against Vietnam, and for other purposes; to the Committee on Foreign Relations.

TERMINATION OF CERTAIN ECONOMIC SANCTIONS AGAINST VIETNAM

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation which calls for the lifting of the United States trade embargo against Vietnam. Our policy toward Vietnam has been frozen in time since 1975, and no longer realistically reflects our ideals in the region or our goals as a superpower.

My legislation does not call for the restoration of diplomatic relations or the full normalization of relations. Now is not the time for those moves.

But my legislation would end the period of economic isolation we impose upon the people of Vietnam, and quite frankly, which we impose upon ourselves.

CONDITIONS FOR LIFTING EMBARGO

Before the trade embargo is lifted, two conditions must be met. First, the Government of Vietnam must agree to provide access to an internationally recognized humanitarian organization for the purpose of investigating unresolved POW/MIA cases. I have worked closely with several veterans' organizations on this aspect of the legislation. It is my belief that increased access can only serve to help this situation; both through an organized program and through simple presence of U.S. business and personnel.

This does not in any way change the obligation of the U.S. Government involvement in the investigation of these cases. Today I spoke with Ann Mills Griffith, of the League of Families, and assured her of this.

Second, my legislation addresses the issue of U.S. nationals' claims against the Government of Vietnam—192 such nationals had their claims adjudicated by the United States Foreign Claims Settlement Commission in 1986. These people have been waiting for 16 years to recover the assets which our Government has fully recognized are rightfully theirs.

WHY LIFT THE EMBARGO

Mr. President, one of the clearest lessons we learned from the war in the Persian Gulf was that economic sanctions can only work under the best of conditions. One nation cannot impose an embargo alone and expect it to have any influence. But this is precisely what the United States is doing in Vietnam.

The economic sanctions which the United States placed on Vietnam 16 years ago are being upheld by the United States alone. The Europeans are leading in terms of value of foreign investment and trade with Vietnam. France, Germany, Britain, and the Netherlands all have millions of dollars of investments in Vietnam, and the pace of investment is accelerating every month.

The Japanese, although they pay lip-service to our embargo, have given permission to their banks to set up branch offices in Vietnam, and several Japanese trading houses have already established offices in-country. In total, Vietnam had over \$1.4 billion in foreign investment in 1990 alone. The figures for 1991 will greatly exceed that sum.

Mr. President, Southeast Asia is widely recognized as the region of the world with the most potential for economic growth in this century. U.S. success in the region is dependent on our ability to compete with our neighbors in developing new markets. The longer the United States keeps itself out of the markets of Southeast Asia, the

more difficult it will be to gain a foothold down the line. The biggest and best contracts—in large-scale industries where the United States is very competitive, such as construction, telecommunications, and oil development—will all be given to our competitors.

Americans are extremely worried about our trade deficit; \$101 billion in 1990. While Vietnam is still a small market, it is a buying market. This underdeveloped country—one of the poorest in the world—is in need of everything. Not only is American business losing out on the initial contracts, but we are losing out on the future. Our competitors are already establishing client relationships with the Vietnamese, and they will get the next round of contracts as well, as the market becomes more developed.

PROMOTING DEMOCRACY IN AUTHORITARIAN REGIMES

Mr. President, lifting the trade embargo furthers our foreign policy goals as well as our economic interests. Current United States policy toward Vietnam does not realistically reflect our ideals as a world power. Americans shed blood in Vietnam to protect the individual's right to a representative government, basic human rights, and a free market economy. We went to contain communism.

But America did not perform well in that war and has been suffering from the defeat ever since. Our recent outstanding successes in the Persian Gulf have caused many people to claim the Vietnam war is finally behind us; that we have rid ourselves of the guilt of the Vietnam syndrome.

Mr. President, I believe Americans need to reclaim the ideals which we are willing to go to war for and apply them to our policy in Southeast Asia. We need only look at the recent examples of Eastern Europe and the People's Republic of China to learn that we have a stake in improving the lot of peoples who suffer from authoritarian rule.

In 1989, the Berlin Wall came down and Eastern Europe stood up. The cries for democracy still echo in our ears. There can be no question that a growing and relentless Western presence in the region was the influence that caused these new democracies to emerge.

In China, throughout the 1980's the open door policy brought Western ideas of democracy and enterprise to nearly every village in the country. It was the quest for freedom to speak, freedom to work, freedom to criticize that brought the students, workers, and peasants into Tiananmen Square. The tragedy that occurred in June 1989 was not failure of democracy, it was a failure of communism. There was then, and remains today, a split in the leadership in China.

Many want to reform and continue to open to Western influence. Unfortun-

nately there are also those who fear that a continued opening to the West will bring about the same fate as the dictators of Eastern Europe suffered. These hardliners would rather keep China isolated, poor, and firmly under their control.

Well, Mr. President, the situation is not so different in Vietnam today. The bankruptcy of the Soviet Union has caused them to cut off their aid and concessional trade relations with Vietnam. The failure of the traditional client-state relationship has forced many in the Vietnamese leadership to look to the benefits that can be found in ties to the West. This is particularly obvious in Vietnam's new economic reforms and foreign investment laws.

However, it is not at all clear these reform-minded leaders have the upper hand or can even remain in power. A party conference, currently scheduled for June, could see the firming up of the hardliners position, and greater isolation for Vietnam. Vietnam has made serious overtures to the United States in the past year or so, aimed at bettering relations with America.

They have withdrawn the bulk of their troops from Cambodia, they have progressed on the question of unresolved POW/MIA cases, they have even offered to reserve lucrative oil tracts for American companies. But rather than responding positively to these overtures, the United States appears to be moving back the goalposts and making further demands.

It is my fear that the more hardline element of the Vietnamese Government will point out the unresponsiveness of the United States and urge a closed door policy. We need to have the same willingness to increase and maintain ties with Vietnam, as we find necessary in our policy toward China.

Mr. President, America owes the people of Vietnam the chance to better their lives, and exposure to the freedoms that America stands for. We may not have been able to contain communism in the 1970's, but we know from the history of the past few years that we can influence it, and we can help achieve its demise.

NOT THE TIME FOR FULL NORMALIZATION

Mr. President, the legislation I am introducing today does not advocate full normalization of relations. I am in full agreement with the administration that further progress has to be made on the POW/MIA issue, and the peace process in Cambodia before it will be time for those moves.

Opening trade relations with Vietnam will not deprive the United States of leverage to work further on these issues. The Vietnamese want diplomatic relations with the United States. The Vietnamese desperately need funding from the multilateral banks, but cannot get it without support by the United States. Vietnam would like to have a bilateral trade agreement with the

United States and most-favored-nation status. All of these moves can be made over time in accordance with progress on outstanding bilateral issues.

For the present, however, the economic embargo against Vietnam is not stopping that country from attaining foreign investment. The embargo is only serving to harm U.S. economic interests in the region, and denying U.S. firms the opportunity to compete in industries in which we excel. We must do ourselves, and the people of Vietnam, who suffer from abject poverty and an oppressive regime, the favor of moving forward with this trade relationship.

In summary, Mr. President, the difference between this legislation, my position, and that of the administration is the administration continues to utilize the theory we must use Vietnam as leverage for settlement in Cambodia. I maintain that that policy has not worked in the past. It has been 15 months since we last communicated that policy and we have seen virtually no results.

The proposal we have in this legislation is access into the country to resolve the MIA/POW issue by bringing in the Red Cross. Mr. President, I think there is a reasonable chance this approach will allow a United States presence in Vietnam and, as result of that approach, we will be able to better resolve the Cambodian situation.

Mr. President, I ask unanimous consent that certain material relative to this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Multinational Business Development Coalition, March 1991]

**TIME TO LIFT THE VIETNAM TRADE EMBARGO
SUMMARY**

With the Gulf War behind us, it is time for the United States to act on some unfinished business on our foreign policy agenda by removing the decade and one-half long ban on doing business with Vietnam. Despite Secretary of State Baker's meetings with Vietnamese Foreign Minister Thach and the support of several key Republican Senators for normalizing relations with Vietnam, the Bush administration has not removed the 16-year-old U.S. embargo on trade with Vietnam. The United States has historically made peace with old enemies and has often turned a blind eye toward objectionable behavior by nations with whom we seek trade ties. But the U.S. government seems unable to bury the hatchet with Vietnam. As a consequence, the U.S. is losing substantial trade opportunities and harming prospects for diplomatic progress.

While U.S. government officials are now willing to talk to Vietnamese authorities about POW/MIA issues, as well as achieving a comprehensive Cambodian settlement, direct talks about ending the dated U.S. trade embargo have been ruled out until a comprehensive peace settlement is reached in Paris and implemented in Cambodia.

The refusal to develop commercial and political ties with Vietnam is surprising at a time that President Bush has spelled out a

vision of a new world order in which economic competition among nations replaces military contests. U.S. stubbornness is keeping American companies out of the keen foreign competition for the Vietnamese markets. The policy is particularly unfortunate in light of Vietnam's efforts to introduce market mechanisms into its economy and to open the door to foreign investment. The reform effort was buttressed this January by final enactment of a law protecting private businesses in Vietnam.

As American business leaders, the members of the Multinational Business Development Coalition are concerned that the U.S. may once again be forfeiting valuable diplomatic and economic opportunities in Asia. We therefore urge U.S. policymakers to give serious consideration to the value to the U.S. of removing the embargo now and moving toward normal relations with the people and government of Vietnam.

We see several reasons for rescinding our sixteen-year-old objections to conducting commerce with Vietnam. As businessmen, we see the U.S. once again losing promising markets to Japan, Germany and others. The best oil tracts off the shore of Vietnam have already been bid—a disturbing development at a time when the Persian Gulf has reminded us of the need to diversify our oil supplies. It is also noteworthy that Thailand and Vietnam have begun talks about joint oil and gas production from 3,600 square miles of disputed territory in the Gulf of Thailand; the U.S. embargo could prevent American firms from helping the exploration and refining efforts.

Important banking opportunities are also being lost every month. Similarly, hotels, construction and consumer goods markets are being snapped up by foreign competition because American companies are prohibited by law from bidding.

As Americans, we see a diplomatic opportunity being forfeited. Events in Eastern Europe have demonstrated that the best way to undermine Communist influence is to have an aggressive capitalist business presence. Lifting the embargo on trade with Vietnam will encourage the modest reforms already underway in Hanoi and will help to undermine the centralized Marxist-dominated economy. Maintaining the embargo could weaken reformist elements, led by Foreign Minister Thach, who so far has little to show for his efforts.

As long-time observers of Asian politics, we believe that the current punitive U.S. policy toward Vietnam is unrealistic. In the first place, economic sanctions have a mixed history at best—and clearly do not work unless all nations support them. Most of the world is ignoring the U.S. embargo. Moreover, the U.S. insistence that Vietnam deliver a solution in Cambodia before we normalize relations with Hanoi requires Vietnam to deliver diplomatic results from their sworn enemies—the Khmer Rouge and the People's Republic of China—and effectively grants Beijing and the Khmer Rouge a veto power over U.S. policy. We should promptly move forward on U.S.-Vietnam relations because it is in America's self interest. We should not hold our economic well-being hostage to developments elsewhere in the region.

For these and other reasons, we urge Washington policymakers to move forward promptly to remove the trade embargo against Vietnam and to allow American businesses the opportunity to work in that country.

BACKGROUND

The United States has maintained an embargo against trade with Vietnam for more than a decade and a half. The two principal reasons for establishing this embargo and maintaining it over this long period have been:

1. To press Hanoi for greater cooperation on POW-MIA issues.

2. To press Vietnam to withdraw its troops from Cambodia, where they had intervened against the genocidal Khmer Rouge regime.

Vietnam has now, by all accounts, met these two U.S. conditions. While cooperation on uncovering and delivering remains of Americans still leaves much to be desired, repeated visits by senior American officials with Vietnamese authorities have demonstrated substantial progress in this area. In a letter to President Bush last October, several senior Senators including Republican stalwarts Richard Lugar of Indiana and Frank Murkowski of Alaska argued that "more access to Vietnam... will help accelerate closure of the remaining unresolved POW-MIA cases."

Furthermore, Vietnam has, by all accounts, withdrawn its ground troops from Cambodia. Despite occasional claims to the contrary, there is no evidence of a substantial Vietnamese military presence in Cambodia. (Indeed, the absence of Vietnamese troops has provided an opening that the Khmer Rouge forces have effectively exploited in the field.)

While the Bush Administration responded to the improved environment by agreeing to direct talks with Vietnam for the first time since 1975, the agenda has thus far been limited to the achievement of a comprehensive Cambodian peace settlement. This is regrettable. While the situation in Cambodia remains in a state of flux, there are a number of reasons for proceeding now on U.S.-Vietnam relations. The Cambodian conflict is a generation old and any one of several parties can block peace. The value of restoring U.S. ties with Vietnam must not be tied to this other complex and highly volatile issue.

The changes in East-West relations that are occurring across the globe have brought a new dynamic to Southeast Asia. It is clear that Thailand and Vietnam will have a crucial role to play in regional economic developments and diplomacy. We do not believe the U.S. is doing all it can to influence this course of events, especially as diplomatic relations do not even exist with one of the key nations in the region, Vietnam.

In the business world there is significant and substantial interest in Vietnam. Recent polling data suggest that a number of American businesses are interested in becoming involved in this promising market. However, the stubborn retention of the U.S. embargo since 1975 has prohibited any meaningful initiatives by U.S. companies. U.S. businessmen are forced to stand by and watch foreign competitors make crucial financial inroads. It is particularly distressing to see the U.S. losing opportunities in oil and banking given the current international and domestic developments in these industries.

At the same time that U.S. business interests are locked out, important humanitarian considerations remain unresolved. The refugee problem will not be resolved until conditions in Vietnam improve: trade and aid remain critical in this respect. It is unfair to U.S. citizens of Vietnamese descent to continue the embargo past the time necessary to achieve its strategic objectives; this embargo makes it infinitely more difficult for Vietnamese-Americans to remain in contact

with and provide support for their families still in Vietnam.

BUSINESS INTERESTS

For economic as well as diplomatic reasons, the time to dismantle the trade embargo has arrived. Sanctions are a drastic measure to be used only when the party being punished is not open to other more subtle forms of influence. Yet Vietnam has withdrawn its troops from its neighboring state and has cooperated with several of the efforts undertaken to resolve the generation-long Cambodian conflict. Vietnam has taken marked steps toward liberalization, a process that has been duly noted by both the International Monetary Fund and the World Bank. Hanoi has adopted a very forward thinking foreign investment law that provides a legal framework for foreign participation in Vietnam's reconstruction. This legislation is among the most liberal and far reaching investment laws to come out of any centrally planned economy. It provides both for joint ventures and for one hundred percent foreign ownership of local property. A subsequent law sanctions private enterprise and obligates the state to protect it. In an astonishing turnaround for a socialist state, the law on private property says that "the right to ownership of the means of production . . . as well as other legitimate rights of the owner of a private business establishment are protected by the state."

The U.S.-backed sanctions against Vietnam are also being undermined because of U.S. allies' unwillingness to honor them. Before Vietnam withdrew from Cambodia, American allies grudgingly supported the embargo. But with Vietnam's withdrawal, most countries believe that Vietnam has satisfied the fundamental requirement for new trade relations. Today the hotels and business centers in Vietnam are full of foreign business representatives who are ready and willing to do business. U.S.-based companies, however, remain totally barred from this market. As a consequence, the most promising off-shore leases have already been bid by foreign companies. The best deals on hotels, the most promising opportunities for banks, real estate, and retail outlets are being forfeited to America's competitors.

Once again we risk losing a foothold in a foreign market to Japanese and European competition. Through 1990, Vietnam had already approved 207 foreign investment projects, with the total registered capital of nearly \$1.5 billion. The most significant of these are off-shore oil drilling and exploration, which include investment projects, by Shell, British Petroleum, Enterprise Oil and Total of France signing agreements and commencing work. Sixty Hong Kong firms, eighteen French firms, six British firms, twelve Australian firms, nine Thai firms, and seventeen firms from Taiwan have completed investment agreements in Vietnam.

To assess the pent-up demand for expanding into the Vietnam market, Citibank recently commissioned a survey of 162 companies involved in commerce in Asia, of which 87 were U.S. based. The remainder were mostly European and Japanese. Seventy-five percent of the companies surveyed expressed an interest in doing business with Vietnam. Forty of the companies that expressed no immediate interest indicated a long-term interest, raising the total showing to 85 percent of those sampled eager to get into the Vietnam market. Fifty-seven of the eighty-seven U.S. companies surveyed—or more than two-thirds—indicated an interest in doing business in the future. Among U.S. respondents,

the main obstacle for doing business with Vietnam was, of course, the trade embargo.

Many veteran Asia watchers believe that over the next ten years Vietnam has an even greater market potential than the People's Republic of China. With Vietnam there is promise of building a sound foundation for future business relationships if U.S. firms can get in on the ground floor. Clearly, the primary reason that American companies want to do business in Vietnam is the potential for long-term profits. However, these firms also recognize that the systematic introduction of capitalist enterprises will help achieve other U.S. goals, including the encouragement of current liberalization trends in Vietnam and the undermining of the central planning mechanism in Vietnam's turbulent market.

GEOSTRATEGIC CONSIDERATIONS

The past two years have seen an extraordinary transformation of the face of international diplomacy. The fall of the Berlin Wall and the opening up of Eastern Europe have demonstrated that persistence in pressing American ideals of free market economics and democratic pluralism is wonderfully subversive of Marxist centrally planned economies.

We should take this lesson and apply it with vigor to Vietnam, where American interests have long been frustrated. The best way to improve people-to-people relations with Vietnam and advance America's long-term interest in openness and the free-flow of goods is simply to do business with Vietnam. While Americans are fascinated by the collapse of communism in Central Europe and elsewhere, Vietnam has been forgotten. With a modest amount of courage and foresight, Americans can get in on the ground floor in the Vietnam market. A dose of Western capitalism could hasten the erosion of communist control and guard against the danger that we will lose yet another market to foreign economic competitors.

The challenge ahead for U.S. policymakers is to develop a more sophisticated approach to regional problems. As a nation of 66 million people, Vietnam occupies a strategically critical position in Asia. It is a land rich in natural and human resources. Vietnam, along with Thailand, will be a dominant player in the Southeast Asian region. Vietnam's influence will expand even further if it achieves political and economic accommodation with the ASEAN countries.

Given these considerations, it is clearly in the interest of the United States to promote peace and stability in the region by encouraging Vietnam to move toward a free market economic system and a pluralist democracy. Helping Hanoi broaden its economic relations with neighboring countries and the West will give it a stake in regional stability. At the same time, the United States should recognize that these interests are not necessarily shared by other parties in the region, specifically China, which has preferred either to dominate Vietnam or to promote division in its southwestern neighbor to prevent a stable and vigorous adversary from developing on its southern flank. Nothing in China's recent approach to the Indochina situation would contradict this view. Barring concerted international efforts to the contrary, it remains within China's power to promote division in the region. It is therefore incumbent for the United States to prevent China from retaining a veto power—as it has, in effect, in recent months in Cambodian negotiations—over U.S. restoration of relations with Vietnam. The fact is that Vietnam and the United States share a key

common goal in Cambodia: preventing the Khmer Rouge from ever returning to power.

At one time, there was merit to the argument that the trade embargo provided the U.S. useful leverage with Hanoi. We used this embargo to press for Vietnamese withdrawal from Cambodia, to press for Vietnamese assistance on POW/MIA issues, and to press for Vietnamese cooperation for settlement on Cambodia. However, it is clear that we are at a point of diminishing returns in using this club. While events in Phnom Penh remain in constant flux, it is not in Hanoi's power to singlehandedly deliver a comprehensive settlement in the decades-old Cambodian conflict.

The present U.S. posture in the region therefore retains, in its anti-Vietnam bias, little chance for future success. We are punishing ourselves if we retain the trade embargo after Vietnam has met the conditions we set for lifting it. By refusing to normalize political and economic relations with Vietnam, the United States is missing an opportunity to influence Vietnam's development in a positive way. We should instead be bullish on the American model, pushing its attractiveness with the people of Vietnam as we undertake commercial relations with them. The U.S. presence in China had a marked effect on the young people of that country both before and after the Tiananmen Square tragedy. There can be no substitute for a vigorous American presence.

Another consideration for U.S. policy should be that a failure to act now may result in much more than a lost opportunity. The debate that continues in Hanoi regarding its future economic course will not be advanced by American refusal to act. There has been progress in opening up Vietnam's economy. Yet if the United States continues to punish Vietnam by barring trade, moderates are certain to suffer in the political infighting in Vietnam. We should use the waning of Soviet influence in Vietnam as an opening, not as a justification for maintaining our self-imposed isolation from that market. The dislocation inevitable as a socialist economy undertakes early stages of economic reform will only be exacerbated by retention of the trade embargo. Access to normal trade and capital flows can be crucial in bridging this inevitable gap. As a recent Asian Development Bank report on Vietnam stated it, "Capital inflows from foreign sources will be required to ensure the sustainability of the economic liberalization program. Without external financial assistance, the adjustment costs will be much higher and could lead to pressures to abandon the reform program."

This the present U.S. policy is likely to undermine economic reform in Vietnam. For some years, U.S. policy towards Vietnam has also been influenced by the ASEAN countries which have pressed Vietnam on the Cambodia issue. Laudable as this goal is, it is also important to note that key ASEAN countries in the region—including Thailand, Indonesia, Singapore and the Philippines—have substantial and growing economic business interests in Vietnam. Thailand has unabashedly taken a lead in trying to transform Indochina from a "war zone into a trade zone." Indonesia has always maintained good trade relations with Vietnam and has a number of firms actively investing in Vietnam—including Vietnam's first joint venture bank. Singapore acts as a major entrepot for goods destined for Vietnam from Korea, Taiwan and other countries. In addition, Vietnam maintains a commercial presence in Singapore. The Philippines and Malaysia are major entry points for travelers to

and from Vietnam with weekly flights between the two countries. Thus, it seems that ASEAN with more to gain from peace has arranged to pay a lower price for that peace in terms of lost business opportunities.

HUMANITARIAN CONCERNS

The harrowing exodus of Vietnamese refugees has riveted the attention of the international community for the past 15 years. The problem of illegal Mexican immigration into the U.S., while less dramatic, is similar in its fundamental cause: the lack of economic opportunity at home. The ultimate solution to the refugee problem is for Vietnam to continue what it has started: reform its economy. This will be impossible, however, unless it can participate fully in international trade and be the recipient of loans from commercial and multilateral lending agencies. Thus, by maintaining the trade embargo, the U.S. is part of the problem, not the solution.

In addition, concern should be noted for the more than 850,000 Vietnamese refugees who have made their way to the U.S. Virtually all of them have relatives remaining in Vietnam with whom they want to communicate. In most cases, the U.S. families can provide critical financial support to relatives who are living at, or just above, the subsistence level. Due to the U.S. trade embargo, communicating with family in Vietnam and providing support is a highly restricted and cumbersome process. There are no direct communications links between the U.S. and Vietnam. As a result of the embargo, U.S. citizens of Vietnamese descent are essentially cut off from their families in their homeland. Thus, humanitarian considerations are but another reason for ending the U.S. embargo on trade with Vietnam.

[From the Christian Science Monitor, Jan. 28, 1991]

JAPAN FIRMS EYE VIETNAM—BUSINESSES CONSIDER EXPANDING INVESTMENTS DESPITE UNITED STATES TRADE EMBARGO

(By Clayton Jones)

Soured of investing in China, stiff-armed by North Korea, and wary of business in Laos or Cambodia, Japanese companies are eagerly eyeing another of Asia's communist states: Vietnam.

Japanese companies have so far made limited investments in Vietnam, less than some European nations. The government here treads carefully in dealing with the old adversary of the United States by generally supporting a U.S.-led economic blockade of Vietnam.

The U.S. has done little to restrain its allies from trading with Vietnam, but strongly discourages sizable investments. A U.S. Senate resolution helped to stop plans by Honda Motors Co. in 1987 to open a motorcycle plant in Ho Chi Minh City.

But diplomatic efforts and lobbying by some U.S. companies are slowly lifting Hanoi out of isolation, leading some Japanese leaders to wonder if it is time for Tokyo to buck the blockade.

PRECEDENT SET IN CHINA

There is a precedent. Last July, Japan broke with its Western partners and normalized economic ties with China by resuming a credit program, eroding the international sanctions imposed after the 1989 Beijing massacre.

"The go-sign for Japanese corporations to invest in Vietnam will be the time when the Japanese government decides to give economic assistance," says Teizo Taya, inter-

national expert at the Daiwa Institute of Research. "That time is coming quickly."

The U.S., which gave a wink of approval to Japan's renewed embrace of China, may look less kindly on a similar Japanese move toward the hard-line Communist regime in Hanoi.

The issue of ties with Vietnam touches deep emotions in the U.S. Washington helped organize the sanctions against Vietnam after its troops invaded Cambodia in 1978 and installed a loyal Marxist regime there, and it is withholding diplomatic recognition of Hanoi until it accounts for the remains of some 1,700 U.S. soldiers believed to be missing from the Vietnam war.

But the U.S. also has encouraged Japan to assert diplomatic leadership more in Asia, and Japan has looked for opportunities to do so. Japan especially wants to use its economic power as a force to stabilize its communist neighbors.

U.S. SENDS MIXED SIGNALS

"Normalizing relations with Vietnam before the U.S. does will be the test case for Japan on whether it can be an independent player in Asia," says Osamu Narai, researcher at the International Institute for Global Peace.

Vietnam itself, after losing much of its economic support from Moscow and former allies in East Europe, has tried to break the embargo, with only limited success. It rejects Soviet and U.S. calls for a United Nations role in managing war-torn Cambodia until elections are held.

Hanoi's chief hope is to stop the U.S. and Japan from blocking attempts by the International Monetary Fund (IMF) to provide a financial aid package to debt-ridden Hanoi. An IMF stamp of approval would help bring Western investment.

Japanese headers point to the U.S. decision last July to open direct talks with Vietnam, and to the October visit of Vietnam Foreign Minister Nguyen Co Thach to Washington, as encouraging signs that Japan, can likewise move closer to Vietnam, and in its own way.

Mr. Thach also stopped in Tokyo after his U.S. visit, the first time that a Vietnamese foreign minister had officially visited Japan in 12 years. As one sign of a shift by Japan, Thach was promised a grant for a national television station. He stayed for six days, visited a car plant, and met with business leaders.

In anticipation of a government green light for investment, Japanese companies began to flock to Vietnam late in 1990. With a new liberal investment law, Vietnam offers the prospects of low-wage workers, a market of 67 million people for Japanese goods, and a large source of resources, such as oil and timber. In 1987, a Japanese company was first in line to buy Vietnam's first export of oil.

Two-way trade between Vietnam and Japan jumped more than 70 percent last year, according to the Japan-Vietnam Trade Association. Japan has become the leading non-Communist trading partner for Vietnam. Japanese investments, which technically violate the embargo, remain small at \$71 million. But that amount puts Japan as the fifth largest investor, with an estimated 10 to 12 percent of total foreign investment.

Some Japanese investments announced in recent months include a \$2 million soap factory, a \$300,000 glue factory, and a fertilizer plant. Showa Shell Sekiyu, a Japanese oil company, is reported to be negotiating with Vietnam to do offshore drilling. Vietnam is making plans for 15,000 Japanese tourists this year, up from 2,000 last year.

KEEPING A LOW PROFILE

Powerful Japanese trading companies, such as Mitsubishi Corp., are opening offices in Vietnam. Some have kept a low profile in Hanoi and Ho Chi Minh City for years, laying the ground for full business relations, while trying not to jeopardize their access to the U.S. market.

The Japanese press reported that Prime Minister Toshiki Kaifu was ready to announce a resumption of aid to Vietnam in an "historic" speech during a planned tour of non-Communist Southeast Asia nations in mid-January.

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[From the New York Times, Mar. 10, 1991]

GOOD MORNING, VIETNAM

It was as if two wars, not just one, ended with the American-led coalition's quick and decisive victory over Iraq. When the guns fell silent, President Bush proudly proclaimed that "The specter of Vietnam has been buried forever in the desert sands of the Arabian Peninsula."

Postwar diplomacy concerning the Middle East has already begun. But postwar diplomacy concerning Vietnam has been mired in bitterness and recriminations for 16 years. Washington can make constructive use of America's revived international pride by now moving to normalize relations with Vietnam.

Vietnam contributed to its long diplomatic isolation by sending troops into Cambodia late in 1978 and keeping them there for almost 11 years. But Washington is also to blame. The past four Administrations have refused to acknowledge the 1975 Communist triumph in Indochina as a fact of international life.

Hanoi prevailed against American power on the battlefield. Washington has punished this affront by diplomatic ostracism, even to the point of winking at a Chinese invasion of Vietnam and, until last year, aiding a Cambodian resistance coalition incorporating the genocidal Khmer Rouge.

Victory in this new war offers an opportunity to bury the bitter legacy of an old one. True, Vietnam is neither a model democracy nor a model international citizen. Its human rights performance has recently been criticized by Asia Watch and by brave voices from within. And while Hanoi has withdrawn its troops from Cambodia, it still backs hard-liners in Phnom Penh who resist implementing the United Nations peace plan.

Yet Vietnam's policies are no more offensive to Americans than those of many other states. The U.S. rightly maintains ties with Syria, even though it sponsors terrorism and occupies much of Lebanon. The U.S. deals with China despite the massacres in Tiananmen Square and Tibet, and with the Soviet Union despite the brutal crackdown in the Baltics.

Diplomatic relations give Washington the chance to raise vexing issues and exert a moderating influence. The Vietnam War ended 16 years ago. Now it has been officially buried. It's time to banish the ghost.

[From the Washington Post, Mar. 7, 1991]

THE REAL "VIETNAM SYNDROME"

(By Mary McGrory)

If President Bush would like to formalize the defeat of the "Vietnam syndrome," which he proclaimed last Friday, he could do it in a grand way by recognizing Vietnam. He could start by lifting the trade embargo that has been in effect for 15 years.

Vietnam has been on the president's mind ever since he took office. He said rather mysteriously in his Inaugural Address that "the statute of limitations has been reached on Vietnam."

What he meant, it is plainer now, was that American presidents had been limited long enough in their use of force by the country's bitter memories of high casualties, head-down homecomings and political carnage.

While the president hailed the end of the "syndrome," others, especially women, dislike to see its demise. Men love war, as Gen. Robert E. Lee remarked, and would love it more if it were not so dreadful. The Persian Gulf War, which was a piece of cake for our troops, could make war a seductive alternative to the tedious, repetitive work of diplomacy.

But if he wants us to get over it, what better way to show it than by admitting Vietnam exists. Diplomatic recognition would say plainly that we have not only forgotten ourselves but have forgiven the enemy that improbably defeated us.

Bush could do it without the slightest difficulty. A president with a 90 percent approval rating could raise taxes with hardly a murmur. And now, having shown how tough he is, Bush could show his compassionate side.

Allowing Vietnam to take its place among the many flawed nations—including, especially, some of our gulf allies—with which we habitually do business would say it has suffered enough.

There would be no serious resistance from the country. A Time magazine poll taken last November shows that 48 percent can handle recognition. The preliminary step of ending the trade embargo wins by better than 2 to 1, 69.5 percent to 30.5 percent.

It isn't just crazy leftovers from the 60s who favor a resumption of normal trade relations—and a competitive bid against the Japanese, Australian and European businessmen who are flocking to the new marketplace. Sen. Richard G. Lugar, a moderate Republican from Indiana, wrote the president a letter last October saying "the time has come," arguing among other considerations that "added U.S. presence and increased commercial contacts will contribute to an improvement in human rights practices and a lessening of the repressive political ethos that still exists in the country." He had seven cosponsors.

The U.S. Chamber of Commerce is representing 35 to 40 American corporations that want to get into business. Several oil companies are among those pressing the State Department to loosen up before all the goodies are gone. Mark Van Fleet of the chamber says Foggy Bottom tells his clients that Vietnam has not joined in the "comprehensive" Cambodia peace settlement proposed by the United States and several other countries, and that insufficient progress has been made on the perennial problem of the MIAs.

The fact is that there is always an alibi for maintaining the silly status quo. The real reason is that the Vietnamese beat us—and some Americans, unfortunately several of them in Bush's inner circle, can never forget it. The real Vietnam syndrome is particularly virulent in such Kissinger alumni as Brent Scowcroft and Lawrence Eagleburger, and Karl Jackson of the National Security Council staff, who is held responsible for the hard line on Cambodia.

There is also some resistance from older Vietnamese immigrants, who maintain a powerful hostility against the government of

Vietnam, which has liberalized economically but not politically. Even so, it is hardly less democratic than Kuwait, the country we have recently liberated at such cost.

Others who might feel compelled to object are the old-line veterans organizations, the American Legion and the VFW. But it is difficult to think of veterans mounting any serious or sustained criticism against George Bush, who is being hailed by his countrymen as a combination of Henry V and Talleyrand.

Sen. Bob Kerrey (D-Nebr.), who lost a leg in Vietnam and won the Medal of Honor, is one of those who is not sure that the passing of the syndrome is an unmitigated good for the nation's soul. And he's not sure that Vietnam veterans feel all that healed by the triumph in the gulf. They might feel a pang when they see the elaborate homecoming parades for the veterans of the 42-day war against an evaporating enemy. The Vietnam vets came home to cold stares, organized their own memorial and finally, to dedicate it, held their own homecoming parade, a shattering affair that began with a file of wheelchairs pushed by men in tattered uniforms.

[From the San Francisco Chronicle, Mar. 6, 1991]

TIME IS RIGHT FOR NORMALIZING RELATIONS WITH VIETNAM (By Casimir A. Yost)

Vietnam still remains on the American national consciousness more than 15 years after the fall of Saigon. Throughout the gulf crisis, American leaders have expressed determination not to repeat the "mistakes" of the Vietnam War.

Symptomatic of our inability to come to grips with our bitter experience in Southeast Asia is the fact that to this day we do not have diplomatic relations with Vietnam. Indeed, we still maintain an economic embargo on that country.

As former U.S. Senator Dick Clark noted at an American-Vietnamese dialogue convened last month by the Aspen Institute, "We are no longer enemies but we do not have a 'normal' relationship."

The Aspen conference brought together a group of Americans, including members of Congress, journalists and academics with a counterpart group of Vietnamese government and nongovernment participants for four days of meetings in Jamaica.

This was the second such exchange organized by Aspen and, like the first, it was designed to explore, informally and off the record, barriers to normalization of relations between our two countries. Normalization, at a minimum, would entail our lifting the economic embargo on Vietnam and setting up formal diplomatic relations between Washington and Hanoi.

The United States sought to normalize relations with Vietnam in 1977, but Vietnamese demands for war reparations doomed this effort. And Vietnam's invasion of Cambodia in December 1976 pushed the normalization issue to the U.S. back burner.

The regional context today for possible normalization is very different than a decade ago. Vietnam has withdrawn its troops, if not all its advisers, from Cambodia. The Soviet Union is drastically reducing its aid to Vietnam and Cambodia and is participating in the efforts of the five permanent members of the United Nations Security Council to find a negotiated settlement in Cambodia between the four warring factions.

China no longer feels threatened from the North by the Soviet Union nor from the South by Vietnam. Vietnam's neighbors feel

less fearful of Hanoi, and, indeed are expanding trade ties with that country despite the embargo.

Vietnam now wants to normalize relations with the United States in order to have the economic embargo lifted and to diversify or balance its big power relationships. Finally, the United States has a lessened strategic interest in the region given the declining Soviet role in Southeast Asia.

VIETNAM'S PLIGHT

Vietnamese participants in the Aspen conference were forthright in describing the current economic plight faced by Vietnam. With a population of 65 million and a per capita income of \$200, Vietnam is one of the poorest countries in the world. It is plagued by unemployment, inflation and corruption.

Vietnamese admit to past economic mistakes. "We believed," said one conference participant, "the bigger the projects, the sooner we would achieve socialism." Now, Vietnamese argue, "we cannot progress without competition."

In 1986 Vietnam began to move from a command economy to a market economy, from concentration on heavy industry to concentration on agricultural production and light industry. This policy of "renovation" registered considerable success.

By 1989 Vietnam was the third biggest exporter of rice in the world. But a variety of factors have stalled Vietnam's economic progress, including the U.S.-led economic embargo, severe bureaucratic impediments, a socialist mindset, inferior infrastructure and dwindling East bloc support.

Vietnamese are aware of the political "risks" of trying to move from a command to a market economy. They are also mindful of the democratizing forces loose around the world. Vietnam is challenged by political upheavals in other Leninist societies.

Vietnamese participants in the Aspen conference argued that political change is coming to Vietnam. "People review and discuss policies," said one. "This would not have happened before." Another said that party control "does not mean that the party can do whatever it wants. This is the lesson of ***"

The Vietnamese were not explicit on their leadership succession problems but were adamant in saying that Vietnam had no intention of becoming a multi-party state. They noted the attractions of Singapore's system of authoritarian rule combined with economic openness.

The Vietnamese expressed puzzlement and frustration at the fact that the great powers that had once paid attention to them now appeared disinterested. They are worried by waning Soviet support and suspicious of rising Chinese interest in improved relations. They are convinced that our policy in the region is a function of our China interests.

One Vietnamese asked if "the United States believes that Vietnam should be kept under wraps." Vietnamese participants argued, repeatedly, that normalization is in U.S. interests because Vietnam had economic opportunities that would disappear as other countries took advantage of the Vietnamese market.

* * * * *

Vietnam, in short, faces tough choices; how far to go in economic reform, what degree of political liberalization to accommodate at home, how to balance competing interests in Cambodia, and what level of relations to press for with the major powers—China, the U.S.S.R. and the United States.

DEALING WITH THE PAST

A conference such as this brings out the diversity of views in the American body politic. Clearly some American businessmen want to put the past behind us. Some academics argue that the Vietnamese military withdrawal from Cambodia merits lifting our economic embargo. Some journalists point to the risks of a U.S. policy that countenances a role for the Khmer Rouge, whose murderous regime once ran Cambodia, in the peace process. Others argue that we should support the Vietnamese-backed government in Phnom Penh.

It is U.S. policy to seek a Cambodia settlement and resolution of the POW/MIA issue prior to normalization. Assistant Secretary of State Richard Solomon has said, "This is a process we see moving in stages," with normalization hinging on these two issues.

Our policy toward the region has shifted in the last few months. In July, 1990, Secretary of State James Baker announced that the United States would talk directly with Hanoi to reach a Cambodian settlement and would no longer support the three party coalition, including the Khmer Rouge, in the United Nations. He has since met with Vietnamese Foreign Minister Thach in New York and Washington.

The five permanent members of the United Nations' Security Council announced on August 28, 1990, their detailed plan for a Cambodian settlement. It was subsequently endorsed by the four Cambodian parties.

This framework for a peace process would have the United Nations play a substantial role in organizing Cambodian elections, monitoring a Cambodian cease fire, and running certain governmental institutions in the period prior to elections. It calls for the creation of an interim Cambodian authority, the "Supreme National Council." While the major parties to the conflict—the four Cambodian factions, Vietnam, and China—have accepted the so-called Perm Five framework, the devil is in the details.

Outstanding issues include the pace and scope of demobilization and positioning of Cambodian forces, who will control weapons, who will hold Cambodian sovereignty, and the precise powers of the United Nations in the pre-election period.

Vietnam and the Phnom Penh government are concerned about ceding too much authority to the United Nations and giving too great an advantage to the Khmer Rouge. They are afraid that the Khmer Rouge will return to power under the cover of elections. They have pressed for some reference to past genocidal practices.

The Vietnamese claim that there are limits as to the pressure they can put on their Cambodian friends. In the words of one, "the pepper is very tiny but very hot." The Chinese continue to demand a role for their clients, the Khmer Rouge, in the process.

The United States believes the Perm Five process provides the best possible avenue to a peaceful resolution of the conflict. We believe that any solution ultimately must have the concurrence of China and Vietnam.

We believe that we must work with China, and that our leverage is limited. We claim we will recognize if Vietnam is acting in good faith and the peace process still fails. Its success is far from assured.

Meanwhile, the POW/MIA issue continues to be another barrier to normalization. We are convinced that the Vietnamese have more to give on this issue. Indeed, a recent Library of Congress study states, "The evidence is overwhelming that the Vietnamese

are holding the remains of perhaps as many as several hundred Americans."

Some Americans argue that live POW's remain in Vietnamese hands while others maintain that the Vietnamese are bargaining with American remains. Still others maintain that we are asking of the Vietnamese far more by way of accounting than we sought after any other war. The bottom line is that the United States is not yet satisfied that Vietnam has done its best on this issue.

Normalization of U.S.-Vietnamese relations remains an elusive goal tied to what happens on the POW/MIA issue and in Cambodia. The former is entirely resolvable by the Vietnamese.

However, a positive outcome in Cambodia requires the cooperative action of a number of countries and Cambodian factions. This cooperation appears increasingly problematic. There is a real risk that the Khmer Rouge will continue to gain strength with Chinese and other support.

The day may not be too distant when we will want to abandon the linkage of a Cambodian settlement to normalization of U.S./Vietnamese relations.

We may come to see normalization between Hanoi and Washington as part of a larger, necessary response to a growing Khmer Rouge threat in Cambodia as well as a way to promote our larger interests in the region.

[From the Atlantic, March 1991]

Vietnam: SHUT OUT (By James Fallows)

[The U.S. embargo on Vietnam does not prevent other countries from doing business there, but it does prevent the country from rebuilding itself.]

The U.S. attempt to starve Vietnam out, through a political and economic embargo, is senseless. Most Americans are not even aware that such a campaign is under way. After all, within the past year the U.S. government has re-approved most-favored-nation trade status for China, prepared to donate food to the Soviet Union, found a way to coexist with the brutal new SLORC regime in Burma, and applied a forgive-and-forget economic policy to most nations other than Iraq. But in Vietnam the U.S. embargo remains the central fact of economic life. It makes existence undeservedly miserable for many millions of people, while doing no visible good for anyone—except, perhaps, for businessmen in Taiwan, Singapore, Australia, and Japan.

What the Vietnamese refer to as "the embargo" is really two policies. One is the U.S. government's attempt to prevent Americans from buying from, selling to, investing in, or otherwise having anything to do with Vietnam. Under prevailing Supreme Court rulings the government cannot prevent Americans from traveling to Vietnam, but it gums up other dealings with impediments large and small. AT&T and the other American phone companies will not place a call from the United States to Vietnam. (If you want to send a fax to a university or a government office in Vietnam, you send it instead to someone in Bangkok—or, for that matter, Toronto—and ask to have it passed on. The people most harshly affected by the phone ban are, of course, the million or so Vietnamese-Americans, many of whom have relatives in Vietnam.) Last year several thousand U.S. citizens, most of them Vietnamese-Americans or U.S. military veterans, traveled to Vietnam—but the Lindblad travel agency, in Connecticut, lost more than \$500,000 in fines and legal fees for daring to

organize such tours and subsequently declared bankruptcy. Tours are legally and profitably organized by several big agencies in Bangkok. Air Vietnam, which has a monopoly on flights within the country, carries passengers on a fleet of dirty and decrepit Soviet planes. Yet when the airline was angling last year to buy an Airbus from Europe, the U.S. government discouraged the sale, because the plane's engines are made by General Electric. Hotels and government shops in Ho Chi Minh City, the former Saigon, have bright new signs saying that Visa cards are accepted—but not if you are a U.S. citizen, or if the card was issued in the United States, or if it drawn on an American bank. In those circumstances the Vietnamese won't take the card, because U.S. Treasury Department regulations forbid the banks to pay. The U.S. dollar is in practice the legal tender of Vietnam. Trade contracts are denominated in dollars; hotel and restaurant prices are set in dollars; visitors from Japan, Italy, and even the Soviet Union must carry around wads of U.S. currency with which to settle their bills. Yet under the charmingly named Trading With the Enemy Act, the U.S. government behaves as if every one of those dollars were there illegitimately. The United States was intimately involved with Vietnam for more than a decade. Now Vietnam is one of only a handful of countries with which the United States attempts to prevent all diplomatic and economic interaction.

The second part of the embargo policy consists of U.S. pressure on the World Bank, the Asian Development Bank, and the International Monetary Fund to keep them, too, from dealing normally with Vietnam. Although the United States is the single biggest force in each of these organizations, on its own it cannot dictate their policies. But the Japanese representatives, who make up the second-largest voting bloc, have lined up behind the United States on this issue, and together the two countries have stonily kept most international organizations out of Vietnam. The United Nations operates a few small development-aid programs and an extensive refugee-processing system within Vietnam, but in general Vietnam must exist outside the network of loans, international credits, financial restructuring plans, and so forth that countries from Ghana to Peru to Bangladesh can participate in. (Technically, the IMF excludes Vietnam not because of the embargo but because Vietnam hasn't paid off some \$140 million in old debts. Vietnam is hardly the only Third World country in arrears. Its problem could be cleared up with bridge loans, as has been done in many other countries, if Japanese and American banks could get involved.) Apart from the Soviet Union—which has for the past decade subsidized Vietnam's economy, received tens of thousands of Vietnamese guest workers, and provided cutrate shipments of fertilizer and oil—Sweden and Finland are the only nations that have given Vietnam substantial amounts of foreign aid.

Of the two components of the embargo, the pressure on international organizations is the more important. Vietnam has what is politely referred to as an "infrastructure problem." The roads, the telephones, the electrical-power network, and the water and sewage systems are terrible or nonexistent. I asked Vo Vai Luoc, of the Institute for World Economy, in Hanoi, "Which problem is the most urgent? Transportation? Communications? Power?" He answered, "Yes"—and not because he misunderstood me. The amount of money needed to create a telephone system for 65 million people, rebuild

roads not maintained for twenty years, and renovate antique seaports and airports is more than any private investor will put up. Since the end of the Second World War mammoth infrastructure projects in many parts of the world have typically been sponsored by the World Bank or other international lending organizations; this is how Japan built its Bullet Train system in the 1960s. Other countries throughout Asia draw constantly on World Bank and Asian Development Bank advice and loans. Vietnam cannot, because the United States says no. Thailand, Cambodia, Laos, and Vietnam are inching toward cooperation on several Mekong River projects, to cope with the environmental ruin of the Southeast Asian forests. The Mekong committee's office in Hanoi has a thick folder of requests for funding: so much to monitor water quality, so much to restock fish, so much to offset the intrusion of salt water into the Mekong Delta region. None of this can go anywhere so long as Vietnam is classified as a pariah.

Americans might say that they just don't feel like subsidizing the reconstruction of Vietnam. The U.S. government's policy goes further than that: it is an attempt to keep Vietnam from rebuilding itself. Vietnam's population is very young, and most people can barely remember when U.S. troops were in their country. It is hard to see how today's Vietnamese children bear responsibility for the wounds the United States suffered during those years. Yet policies left over from the bitter 1960s and 1970s help keep them poor.

What is the point of it all—of the small-minded restrictions on Americans and the serious limitations on Vietnam? There are two ways of judging America's policy: on the basis of what it's supposed to do, and on the effect that it actually has.

The stated rationale for the embargo has shifted over the years. The Trading With the Enemy Act, enacted in 1917 as an anti-German tool, was applied to North Vietnam in 1964, when that country was in fact the military enemy. The law was extended to the country as a whole after the North Vietnamese conquest of the South (or, to put it in the terms that are officially used in Vietnam these days, after the "Liberation" that eliminated the "puppet forces"), in 1975. Since 1979, when the Vietnamese completed their invasion of Cambodia, drove out Pol Pot's Khmer Rouge regime, and established their own dependent government, U.S. policy has been tied to events in Cambodia. For ten years the United States insisted that Vietnam withdraw its occupying forces. In the opinion of most foreign governments, Vietnam did exactly that late in 1989—as Secretary of State James Baker officially acknowledged last summer. Baker acknowledged the withdrawal, however, less as an occasion for U.S.-Vietnamese rapprochement than as evidence that the hard-line policy was working: because of American implacability, the Vietnamese had finally given in.

The negotiations over Cambodia's future are of hopeless, Middle East-like complexity. The essential point is that the United States is ostracizing Vietnam for the sake of a bargaining position—not because Vietnam has outraged international standards of decency. Vietnam did invade Cambodia, and does continue to prop up and manipulate the People's Republic of Kampuchea (PRK), the nominal government of Cambodia. But China continues to prop up the Khmer Rouge, which is still directed by the same people who wrought genocide in the 1970s, and which continues to take over Cambodian territory

with Chinese guns and supplies. If the United States felt inclined to get moralistic (again) about Southeast Asia, the most appropriate target for its wrath would be not Vietnam but China, without whose sustenance the Khmer Rouge could not survive. But the Bush Administration seems to act on the assumption that ancient, mighty China cannot be swayed by outside pressure. Therefore the United States continues to squeeze Vietnam.

In a way the years of squeezing have paid off. Vietnam has grown weary enough of its exile that it has compromised on some points, especially by withdrawing its troops. But its officials have consistently made clear that they can never, ever countenance the return of the Khmer Rouge. This is not so much because they are squeamish about what might happen inside Cambodia as because when the Khmer Rouge was in power, its army kept attacking villages in Vietnam. As best I could judge from two weeks of interviews with officials in Vietnam, the emotional and logical content of their position is comparable to what Soviet leaders would now feel if Hitler were still alive and had a panzer force threatening to take control of Poland. Officially, the U.S. policy, too, is designed to keep out the Khmer Rouge. But until the Vietnamese are sure that some other, still unspecified arrangement will provide sure protection against the Khmer Rouge, they will stick with their pet PRK.

The strongest argument for continuing the embargo is that some agreement among the many squabbling Cambodian factions has seemed through the past year to be in sight. Why relax the pressure on the Vietnamese as the Soviet Union cuts back on its subsidies? But Americans could just as easily argue that now is the time to reward Vietnam for the steps it has taken, and to encourage it to take more. This is exactly the logic we have applied to China and the Soviet Union within the past year. Nguyen Co Thach, the Vietnamese Foreign Minister, is known to have argued internally that Vietnam would be rewarded for withdrawing from Cambodia and undertaking its ambitious doi moi program of economic liberalization. As long as the embargo continues, he is proved wrong.

There is, of course, a reason why Vietnam seems less lovable and forgivable than the Soviet Union of Gorbachev's reformers or the China of the Tiananmen Square demonstrators. Although U.S. policy does not explicitly link the embargo to the MIA issue, the suspicion that the Vietnamese are still locking up American prisoners, or hoarding their bones, generates considerable ill will. The Vietnamese government has not exactly helped its own cause by doling out remains two or three at a time and seeming to treat the bodies as useful bargaining chips. In 1980 a mortician who had fled Vietnam told a congressional committee that he had seen the bones or bodies of several hundred American soldiers stored in a warehouse outside Hanoi. Although the North Vietnamese Communists seemed to understand American psychology very well during the war years, the case can be made that they barely understand the United States at all. During the Carter years the Vietnamese government queered a chance for normalization by demanding reparations; only recently has the emotional power of the MIA question sunk in. Members of the American "reconciliation team" working on the POW/MIA issue say that their Vietnamese counterparts have been more cooperative in recent months.

Even if it made sense on its own big-think strategic terms, the embargo would have a

serious practical limitation: it doesn't scare away anyone but the Americans. The embargo has succeeded in stunting and distorting the Vietnamese economy, and in keeping American businesses out of Indochina; but it is more and more obviously failing to keep out businesses from other countries, or to bring the Vietnamese government to its knees.

Although many nations condemned Vietnam's invasion of Cambodia in 1979, almost no one agrees with America's embargo anymore. All other major nations have embassies in Hanoi. None imposes Trading With the Enemy-style limits on its citizens or businesses who want to trade with Vietnam. The Japanese government, with its down-the-line support of the embargo in international organizations, illustrates how shallow the enthusiasm for the embargo is. Officially it will not let Japanese firms invest in Vietnam, to avoid offending the United States. In some cases, however, Japanese banks and corporations have channeled money through front organizations in Indonesia or Hong Kong, which then invest in Vietnam. And there is no visible restriction on Japanese trade with Vietnam. This year Japan should overtake the Soviet Union as Vietnam's leading trade partner. Japanese firms sold \$300 million to \$400 million worth of manufactured products to Vietnam last year, mainly in exchange for Vietnamese crude oil. (Although Vietnam is potentially a large oil producer, it has only a few working wells now, and virtually no refineries. Therefore it exports crude oil to Japan, in exchange for machinery, and has until recently relied on the Soviet Union for refined oil. The end of the Soviet-subsidized oil supply is the most immediately pressing economic problem.) All the vehicles on Vietnam's streets which are not Soviet-made are from Japan. All the refrigerators, TVs, and VCRs that are not Japanese are Korean. In Saigon's major hotels—the Rex, the Caravelle, the Majestic, and the Continental—blocks of rooms are on long-term lease to Japanese trading firms such as Nissho Iwai and Mitsubishi. One of the malicious delights of traveling in today's Vietnam is watching Germans, Soviets, Italians, and even incredulous Frenchmen being made to conduct their business in English. The Japanese businessmen and travelers I saw were doing their business largely in Japanese.

Most other countries don't even bother to keep up appearances. The Taiwanese, who have cultural and linguistic ties to the Chinese community in southern Vietnam, see no reason to abide by the American policy. After all, the United States does not even classify Taiwan as a real country anymore. (The United States has in Taipei not an embassy but an "American Institute." U.S. diplomats who are assigned there must temporarily resign from the foreign service.) Of the foreign firms with whom Vietnam has set up some 200 joint ventures since liberalizing its foreign-investment law three years ago, the most enthusiastic seem to be from Taiwan. One of the largest, called Pan Viet, is building new apartment blocks, producing ceramic tile and paint, running an agricultural-experiment station, and even planning to develop a suburb for foreign residents, with a golf course and an international school, to be ready for Americans when they decide to come back. Companies from France, Australia, Holland, and Italy participate in other joint ventures. In all, foreign firms have invested more than \$2.2 billion in new capital.

Australia enjoys a trade surplus with Vietnam, importing fish and grains and having

sold, among other things, three large satellite dishes to handle international phone calls. ("Now I can call Paris and Bangkok," an official of the Ministry of Commerce told me in Hanoi. "The problem is calling Haiphong.") There are huge billboards from the Korean corporate giants Daewoo and Samsung near the entrances of the airports in Hanoi and Ho Chi Minh City. During my stay I met technicians from Ireland working on the telephone system, a pharmaceutical salesman from Italy, a handicrafts dealer from Holland, and a French engineer working on Vietnam's offshore oil fields. The manager of a Vietnamese shipping line gullelessly explained to me how Vietnamese handicrafts reach customers in America: first the ship goes to Vancouver, then all the documents are changed, and then it goes on to the United States. The prize for hypocrisy regarding the embargo goes easily to Singapore. Its official policy toward Vietnam is, if anything, more ferocious than that of the United States, but most of the Coca-Cola, EverReady batteries, and other Western goods stacked in markets in virtually every Vietnamese city come through merchants in Singapore. Each week passengers fly between Ho Chi Minh City and Singapore, although the flights are not listed on any schedules. Whenever an article appears describing the commercial involvement of Singapore in Vietnam, the Singapore government declares that it is simply shocked by the news.

Vietnamese officials have recently figured out that they can play on American age-of-decline insecurity in their arguments against the embargo. Shortly before the "Liberation," Mobil discovered the sizable "White Tiger" oilfield in Vietnamese waters in the South China Sea. Last year Vietnam assigned exploration rights for several sites to companies from Canada, France, Kuwait, and elsewhere, but not to U.S. firms. Mobil and Texaco, along with Citibank, have sent exploratory missions to Vietnam. The American chambers of commerce in Bangkok and Hong Kong, representing U.S. companies operating there, last year formally recommended that the embargo be lifted, to end "the continuing loss of U.S. business opportunities in Vietnam to global competitors." Raymond Eaton, an Australian businessman based in Bangkok, has become famous locally for speeches arguing that non-U.S. companies should seize the "golden opportunity" that the embargo creates and "do your very utmost to capitalize on the total inability of American companies to compete against you." (Eaton also urges the United States to eliminate the "golden opportunity" by lifting the embargo.) The manager of a building project in Hanoi told me, "We hoped very much to use American elevator equipment in our building, but, you know . . ." Vo Dai Luoc, of the Institute for World Economy, told me, "In the past the United States spent billions of dollars to establish its influence in this part of the world. It was not possible that way, but simply by permitting business relations the United States may succeed in obtaining a role in this region."

The real reason the embargo persists, of course, is that we lost the war. That is also the reason that, although we can forgive the Soviet Union and Nicaragua, we can't forgive Vietnam—even though it is a relatively well-behaved country now, with economic-reform plans as impressive as most in Eastern Europe. Shortly before I left for Vietnam, I talked with an American politician who agreed that the embargo no longer made sense. But it might continue, out of inertia,

for a long time. "It's all up to the war heroes," he said. When politicians like the senators John McCain, Robert Kerrey, and John Kerry—men who fought and suffered in Vietnam—say it is time to forgive their former enemies, he told me, then others can safely go along. But until then, he said, it is not safe or sensible even to mention the name Vietnam.

It's natural that we would prefer never to think about Vietnam again. Being involved there did us great harm. So with a kind of unconscious spite we continue a policy that hobbles an entire nation and helps us not at all, mainly because a generation ago we came to grief there. In decency we should stop.

By Mr. MCCAIN (for himself, Mr. MACK, Mr. BURNS, Mr. COATS, Mr. LOTT, Mr. CRAIG, Mr. HATCH, Mr. KASTEN, Mr. SMITH, Mr. MCCONNELL, Mr. BOND, Mr. HELMS, Mr. GARN, Mr. SYMMS, Mr. NICKLES, and Mr. ROTH):

S. 809. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

TAX FAIRNESS AND ACCOUNTABILITY ACT

• Mr. MCCAIN. Mr. President, today I'm introducing the Tax Fairness and Accountability Act of 1991. This is a simple piece of legislation—it is genuine, honest, purposeful.

Mr. President, this legislation does two important things. First, it establishes that any new tax, or increases in existing taxes, requires 60 votes of the Senate for passage. And, second, it repeals that section of last year's budget bill which required 60 percent of revenue reductions—tax cuts—while requiring only a simple majority for tax hikes. That provision of the 1990 budget bill virtually assures that the Federal tax bite will only grow, and that tax reductions like those passed in the 1980's will become near impossibilities.

It's time we, in government, regained our sense of balance and respect for our own private sector. We cannot, and must not, view the incomes of our citizens, families, and businesses solely as a source of money to satisfy the apparently insatiable Federal spending appetite.

In short, Mr. President, my bill seeks to place the health and well being of our private economy above that of government.

Mr. President, I know this legislation will be opposed by some in this body, but we must recognize that our actions here change the financial relationship that exists between government and the private sector, and are among the most fundamentally important actions we must take each year.

When Congress acts to increase revenues, we send shock waves through our entire economy. No part of the private sector is ultimately immune from an increase in government taxation.

It is our responsibility, as elected officials in the Congress of the United States, to recognize that our actions

have real, tangible consequences and that the lives of our families and citizens are impacted each time we change the financial relationship between government and the private sector.

Mr. President, that alone is reason enough to pass this legislation.

It shouldn't be impossible to raise taxes—and that is not the purpose of my bill. But, it should be difficult, and should be a matter of grave debate and deep concern to all.

It should not be what it is—business as usual. The business we should be primarily concerned about is the business of America—our families and enterprises—not the Federal Government.

Mr. President, I urge my colleagues in the Senate to join with me in this unprecedented effort to begin the long process of restoring trust and partnership with American taxpayers and our private sector by supporting this important first step. I urge all in the Senate to join me in a better understanding of where our resources come from.

I want to express my thanks and gratitude to Senators MACK, BURNS, COATS, LOTT, CRAIG, HATCH, KASTEN, SMITH, MCCONNELL, BOND, HELMS, GARN, SYMMS, and NICKLES for their co-sponsorship of this bill.

I urge all in the Senate to join us in reaffirming our respect and admiration for the principles of free enterprise that have given so much to this country.

I ask unanimous consent that the Tax Fairness and Accountability Act of 1991 be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Tax Fairness and Accountability Act of 1991.

SEC. 2. SUPERMAJORITY REQUIREMENT IN THE SENATE.

In the Senate, any bill or amendment increasing revenue shall be considered and approved only by an affirmative vote by three-fifths of the Members of the Senate, duly chosen and sworn.

SEC. 3. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974 STRIKING 60-VOTE REQUIREMENT FOR REVENUE REDUCTION.

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following: "Notwithstanding any other provisions of this Act or any other law, a bill, resolution, or amendment that reduces revenues may be considered and approved by a simple majority of the Senate."

• Mr. BURNS. Mr. President, I rise today to offer my support of the Tax Fairness and Control Act of 1991, introduced by my good friend from Arizona, Senator MCCAIN. I was surprised and amazed, as I am sure most of my colleagues were, to learn of this unfair

language in the Budget Enforcement Act of 1990.

The American taxpayer is being played for a fool, Mr. President. Their taxes can be raised by a simple majority, 50 votes plus 1. However, in order to lower their taxes there must be a "super" majority of 60 votes.

During the entire budget debate last year, we all heard the buzzword called fairness. Well, Mr. President, the language in the budget bill tells the working class taxpayers that the Congress is not going to play fair. We have crafted the rules to favor raising taxes to solve a budget shortfall instead of cutting taxes to stimulate growth in the economy.

The Congress is looking at the wrong end of the equation. Every American, if they were aware of the language, would be angry and upset. So I commend Senator McCain for introducing a bill that will require a 60-vote majority for any tax increase and a simple majority of 50 votes plus 1 for a tax cut.

Tax cuts can promote economic growth, which in turn increases Federal tax revenues. Virtually all economists now agree that we are now in a recession. Recessions inevitably cause the Federal deficit to grow because Federal revenues go down while Federal expenditures go up.

Senator McCain's bill places a heavier burden on the U.S. Senate to control Government spending and not allow the Senate to take the easy way out and raise taxes. This bill will prove to the American taxpayers that the Senate is serious about balancing the budget without placing further burden on the working class. This body talked a good game last year about fairness, now is the time to step up and do something responsible about it.

• Mr. COATS. Mr. President, when I voted against the budget package last October, I did so for a number of reasons. One of the most damaging portions of the package was a renewed emphasis on the old, economically devastating tax and spend philosophy which has created a huge budget deficit at the Federal level and placed extreme restrictions on the ability for our economy to realize its full growth potential.

The American family has borne the brunt of irresponsible and excessive taxes and is suffering today as a result.

Unfortunately, the structure of the budget agreement has made it very difficult for those of us who believe the Government absorbs too great a portion of the working American's paycheck; who recognize that tax cuts stimulate economic growth and activity; who are outraged over continued excessive and wasteful Government spending, to enact responsible legislation.

We would like to see changes in our current policies. Changes that restore hard earned dollars directly to the

American family through a doubling of the personal exemption. Changes such as a cut in the capital gains tax which would reinvigorate economic activity and create new jobs. Changes which make it harder for the Federal Government to increase the tax burden on the American public.

The fact that the budget agreement has made it easier to increase taxes and harder to cut them should outrage all taxpaying Americans. While only a simple majority is needed to approve a tax increase to feed an already bloated Government and sustain programs and projects in which the Government has no business being involved, a 60-vote majority is needed to approve tax cuts. A simple majority for unfair tax increases. A super majority for fair tax cuts.

Mr. President, the U.S. Congress has the power to reverse this travesty, and I believe we have a responsibility to the American people to do so.

Senator McCain from Arizona has had the courage and foresight to take on this mechanism which perpetuates the abuse of government power and the siphoning off of the American paycheck.

His bill, which I proudly cosponsor, will make it easier for those of us who would like to cut taxes to do so by requiring only 51 votes for passage. It will make it more difficult for the proponents of a greater tax burden by requiring a 60-vote majority for any tax increase.

It is time to put our foot down and insist that our deficit cutting efforts are focused on reducing spending, not on increased taxes. The current emphasis of tax and spend is not in the best interests of the American public. We have no business catering to an out-of-control government and sustaining special interests when they are dragging down the American family and the American economy.

It is our duty to protect American interests and Senator McCain's bill is a vitally important first step in achieving that goal. I urge my colleagues to join us in this effort by cosponsoring this very critical piece of legislation. It will benefit the American people we have been elected to represent and will go far in restoring some of our credibility as a responsible body of government.

Again, I thank the Senator from Arizona for his leadership on this issue and yield back the balance of my time.

• Mr. CRAIG. Mr. President, at this particular time of the year, we Americans are all too well aware of the size of our tax burdens. And judging by my recent calls, letters, and conversations in Idaho and across the Nation, no taxpayer wants to see that burden increased.

How, then, can this body tolerate budget procedures that actually make

it more difficult to lower taxes than it is to raise them?

The answer, of course, is: We can't.

That's why I am pleased to join Senator McCain today in the introduction of the Tax Fairness and Accountability Act of 1991. Those who have watched the budget battles in Congress year after year will appreciate the significance of this bill's requiring a 60-vote majority for tax increases and only a 50-vote majority for tax cuts. What's more important, even those tens of thousands of taxpayers who haven't followed annual legislative maneuvering will likely feel the significance of this reform—in their pocketbooks.

The power to tax is a dangerous tool: Used unwisely and excessively, it can destroy the very individuals, families, businesses, and Nation it is supposed to benefit. It is certainly appropriate, then, to impose one more check that will ensure such a decision is made deliberately and represents the will of a true majority of the American people.

Mr. President, this reform would not strip any constitutional taxing authority from the Congress; it just slightly raises one Senate procedural hurdle in the race to impose taxes, and slightly lowers one in the struggle to cut them. I commend my colleague from Arizona for his leadership in discovering the problem and working out a measured and appropriate response, and I hope the Senate will move swiftly to enact this reform.

• Mr. HATCH. Mr. President, I rise today to join Senator McCain in urging our colleagues to support the Tax Fairness and Accountability Act of 1991.

Mr. President, this country is now experiencing a recession. Based on recent reports, the economy continued to soften in February. The civilian unemployment rate jumped from 6.2 percent in January to 6.5 percent, the highest since early 1987.

During this period of need, the ability of this legislative body to do something to help is hampered by the Budget Enforcement Act of 1990 which requires 60 votes in the Senate to pass any revenue-cutting legislation. This requirement ties the hands of Congress in doing what needs to be done—pass legislation designed to spur the economy.

This problem is made worse by the static scoring system utilized in Congress today. This method of scoring often categorizes a bill as losing revenue when, in reality, it would raise revenue through increased economic activity. For example, a commentary by Warren Brooks printed in the Washington Times on February 25, 1991, discusses the effects of the Wallop/DeLay growth package. This package will likely be scored as a revenue loser, thus requiring 60 votes to pass in the Senate. The article shows that this proposal would add 1.633 million jobs and contribute \$228 billion to the GNP

by the year 1995. In looking at the effect on revenues, however, the static method of scoring this bill shows it as a revenue loser, losing \$32 billion by the year 1995. When looking at the whole picture using a dynamic approach to scoring, this bill becomes a revenue raiser, increasing taxes. We cannot ignore the relationship this legislation will have on the dynamic market.

By reversing this bias from one which focuses on tax-raising provisions to one which emphasizes tax cuts, we are making if possible for the Senate to take an aggressive role in controlling the recession. Controlling the level of taxation is a prudent budgetary tool. Economic activity is increased under lower levels of taxation. This increases total revenue and will help us out of this recession. On the other side of the question, by making it more difficult to raise the level of taxes, we are utilizing a proven tool to combat recession.

Let us allow Congress to become a driving force in combatting the recession by taking the first step toward controlling the spiraling budget deficit and the recession. I urge my colleagues to support the Tax Fairness and Accountability Act of 1991.●

● Mr. SMITH. Mr. President, Congress raised taxes in 1982, 1983, 1985, 1987, 1989, and 1990, and the Federal deficit this year will be more than \$300 billion. Clearly, tax increases are not solving our budget problems. In fact, tax increases, combined with a lack of spending discipline, are creating our budget problems.

The Tax Fairness and Accountability Act of 1991 is a necessary step toward fiscal responsibility. Most Americans would probably prefer a 70- or 80-vote requirement for raising their taxes, but 60 is a fair number, and a number with precedent in this body.

I would like to thank my colleague from Arizona, Senator MCCAIN, for spearheading this effort on behalf of the American taxpayer. Senator MCCAIN has been active on the spending side of the deficit equation, with his support of enhanced rescission power and the line-item veto. This legislation will help focus attention on an equally devastating budget and economic problem—congressional addiction to raising taxes.

Mr. President, tax increases stifle economic growth. To date, congressional efforts to hold the line on taxes have failed miserably. Perhaps a 60-vote requirement will change this fact. I am proud to cosponsor the Tax Fairness and Accountability Act of 1991.●

● Mr. BOND. Mr. President, I commend Senator MCCAIN for his excellent work on this bill. I am very proud to be a cosponsor of the Tax Fairness and Accountability Act of 1991 because it is time Congress gave taxpayers a break. When I first came to the Senate in 1987,

many Missourians wrote to tell me they were angry their long-term savings and investment plans had been gutted by the Tax Reform Act of 1986. Many times Congress has given business owners and individual taxpayers good investment and savings incentives only to turn around and take them away after prudent investors had made long-term plans for their futures. Incentives such as the individual retirement account and lower capital gains taxes are only two of many examples where this has happened.

Business owners and individual taxpayers in Missouri are fed up with a system which makes it all too easy for Congress to raise taxes. While a good faith effort was made last fall to raise revenue and control spending, taxpayers do not believe that any spending control occurred—just a raise in taxes. As long as it is easy to get a simple majority to raise taxes, and not make any real cuts in spending, no cuts in spending will be made. That is why we need the Tax Fairness and Accountability Act of 1991.

This bill does not make it impossible to raise taxes, but it does make it more difficult. The 60-percent majority that would be required to pass a tax increase would ensure that every possible consideration would go into any decision to ask taxpayers for more money. It makes it possible for real cuts in spending to be the first consideration in controlling the deficit and it would give the taxpayers more confidence in the economy.

There can be little doubt that confidence in the U.S. economy has eroded. We are not in a recession. Unfortunately, this lack of confidence has permeated every aspect of the U.S. economy from investment to production to spending. While most economists predict an end to the recession later this year, the Congress could easily waylay it by increasing taxes or by not cutting spending.

Some in Congress may believe that cutting spending will have too negative an impact on parts of the economy. This is not necessarily true. Certainly there would be fewer Government contracts and, perhaps, a few less benefits, but these can be offset easily by leaving more money in communities from the start. This means not raising taxes and even lowering taxes in areas that promote economic growth. To raise taxes leaves little desire to invest in the economy to balance out with private funds any cuts in Federal spending.

A start to lowering taxes and increasing savings has been made this year with the introduction of the Savings and Investment Incentive Act. The next step is to make sure that, if passed, this and future savings and investment plans of American taxpayers cannot be arbitrarily ripped away, as they were in 1986, by passing the Tax

Fairness and Accountability Act of 1991.●

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. METZENBAUM, Mr. DODD, Mr. ADAMS, Mr. BURDICK, Mr. LEVIN, Mr. CONRAD, Mr. KERRY, Mr. KOHL, and Mr. SHELBY):

S. 810. A bill to improve counseling services for elementary school children; to the Committee on Labor and Human Resources.

ELEMENTARY SCHOOL COUNSELING DEMONSTRATION ACT

● Mr. HARKIN. Mr. President, I rise today to introduce S. 810, the Elementary School Counseling Demonstration Act of 1991.

This legislation, which I introduced during the 101st Congress, establishes and expands counseling programs in our elementary schools, so that we can address the special needs of young people during the most critical period of their development. Currently, only 12 States require elementary counselors in their school systems, and many of these States have mandated counselor-student ratios at the unacceptable level of one counselor for every 400 to 500 students.

This bill authorizes the Secretary of Education to provide elementary school counseling demonstration grants to local school districts at an annual level of \$5 million for the next 5 years. These grants, at a maximum of \$200,000 per year, will be available to individual schools for up to 3 years. The legislation directs the Secretary to distribute these grants equitably throughout the United States, targeting rural, urban, and suburban areas. In addition, districts applying for the grants must maintain a counselor-student ratio of no more than 1 counselor per 250 students and must involve parents, business, and community groups in developing their counseling programs.

Experts in the field recommend this counselor-student ratio for providing counselors sufficient time to more effectively serve children. This ratio allows counselors to conduct small group sessions, classroom prevention programs, and consultation with teachers, administrators, and parents.

This theory has been put to practice in Iowa and it works. In 1988, the Des Moines Public School established the Smoother Sailing Pilot Program which decreased the counselor-student ratio to the recommended level. Smoother Sailing now operates in 10 Des Moines schools and provides an enhanced elementary school counseling program for students in kindergarten through fifth grade.

Early research shows increased student achievement and self-esteem while reducing the frequency and intensity of discipline problems in the 10 schools. Smoother Sailing proved to

me how important early intervention programs are to the war on drugs. To stop the spread of drugs, we must reach our children before the drug dealers do.

This legislation is critical, for the stresses inflicted on our children today are enormous. We need to reach children who are suffering from physical abuse, those who live with a drug-addicted or alcoholic parent, and many who must contend with the aftershocks of a brutal divorce. Without school counselors available to address these issues with our children daily, these pressures culminate in disruptive behavior, academic problems, and emotional disorders.

We recently celebrated National School Counseling Week, and this event highlighted the tremendous talent and enthusiasm in the counseling community today. These professionals see themselves as prevention specialists rather than therapists. They understand that, by making contact with a child early on, these students have a better chance of developing the self-esteem and problem-solving skills that will benefit them during their teenage years.

Smoother Sailing should serve as a model program for Iowa and the rest of the Nation. The Elementary School Counseling Demonstration Act expands the principles and objectives of Smoother Sailing to the entire Nation. I believe a successful demonstration project will encourage all school districts to make elementary school counseling programs a priority. We know that investing in our young people is the key to ensuring a society of healthy and educated adults. Programs such as Head Start attest to the success of this early intervention and prevention strategy. I hope my colleagues will support this bill, so that we can help our youngsters excel during their school years and in the years beyond.■

By Mr. HOLLINGS (for himself, Mr. EXON, Mr. BRYAN, Mr. BREAU, Mr. REID, Ms. MIKULSKI, and Mr. SIMON):

S. 811. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED RAIL TRANSPORTATION ACT

Mr. HOLLINGS. Mr. President, in 1990, President Bush issued a national transportation policy statement prepared by Secretary Skinner and the Department of Transportation [DOT]. In announcing the policy, the President spoke of the need to find means of improving the mobility of our citizens in the future. While there has been some criticism of the administration's

policy, I certainly agree that, if we are to remain competitive as a nation, we need to do a better job of transporting people.

With this in mind, I am introducing today, with Senators EXON, BRYAN, BREAU, REID, MIKULSKI, and SIMON, a bill that will establish a comprehensive Federal policy for the development of high-speed rail, including magnetic levitation [maglev], transportation within the United States. This bill recognizes the recent advances made by the Federal Government's national maglev initiative and seeks to augment this effort by strengthening the framework for a genuine partnership between the private and public sectors. It is directed toward research, development, and implementation of high-speed rail technology in this country, promoting the goal of a domestic high-speed rail industry, rather than simply relying on foreign technology to meet United States and world needs.

The bill I am introducing will accomplish several goals. At the outset, it provides a statutory charge for DOT to lead Federal high-speed rail efforts in cooperation with other interested Federal agencies. This builds on the principles of the High-Speed Ground Transportation Act, which, since the 1960's, has set for DOT the goal of promoting advanced methods of high-speed transportation. In the Rail Safety Improvement Act of 1988, Congress further clarified the authority of the Federal Railroad Administration [FRA] within DOT to establish safety standards for maglev and other advanced rail transportation systems.

This bill also uses the provisions of the Stevenson-Wylder Technology Innovation Act to authorize the Secretary of Transportation to enter into cooperative research and development agreements with United States companies to conduct research to overcome technical and other barriers to the development and construction of high-speed transportation systems. Under the bill, \$150 million in Federal funding is authorized, over a 5-year period, for the purposes of supporting a mandated feasibility study by DOT and providing grants for research, development, and implementation of commercial, high-speed transportation in the United States. Funding awarded for grants would be matched by the private sector as part of these research agreements. This public/private sector partnership should do much to ensure a solid commitment to the development of high-speed rail transportation.

Finally, this bill establishes within DOT, and specifically the FRA, a new Office of High-Speed Ground Transportation, headed by a Director who reports to the FRA Administrator. This office is to establish national uniform standards for both high-speed rail and maglev systems, regulate the design and construction of these systems to

ensure conformity with standards of technology, safety and environmental quality, and make annual recommendations for legislative and administrative action to facilitate these projects.

All too often in transportation, we are faced with solving immediate problems, with putting out bonfires. It is rare that we have the opportunity to look forward. High-speed rail gives us the opportunity to be farsighted, to be visionary. Yet, this technology is clearly rooted in reality and, indeed, can help us meet our pressing transportation problems.

I am pleased to report that there is growing interest in high-speed rail transportation by the private sector and government. I know others share with me an interest in examining further the potential for, and, I hope, the implementation of high-speed rail transportation in this country. The legislation that I am introducing today should do much to advance this concept and move the United States and our transportation network into the 21st century. I look forward to working with my colleagues and the administration on this proposal.

Mr. EXON. Mr. President, I am pleased to join the chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS, as an original cosponsor in the introduction of the High-Speed Rail Transportation Act of 1991. This legislation addresses the need for cooperative research and development efforts among industry, the academic community, and government if the United States is to assert its technological prowess in the area of magnetic levitation [maglev] and other high-speed rail transportation initiatives.

As those of you familiar with this technology know, U.S. scientists pioneered maglev technology in the 1960's and 1970's. The High-Speed Ground Transportation Act was passed in 1965 with the Federal Government initially providing research and development grants. In 1975, the Federal Government pulled out of the maglev race, after which Japan and Germany became the leaders in this field. Given the increasing demands being placed on our existing transportation arteries, I am encouraged that efforts are under way through the national maglev initiative to determine the appropriate Federal role in advancing energy-efficient, high-speed technology which has the potential to supplement existing transportation modes, increase system capacity, and foster economic growth.

This bill requires the Department of Transportation to lead and coordinate Federal efforts to develop high-speed technologies and foster implementation. These efforts would be advanced by entering into cooperative research and development agreements with U.S.

companies to conduct research to overcome technical and other barriers to the development and construction of these systems. This legislation also requires the Department to study the commercial feasibility of constructing one or more high-speed transportation systems in the United States. Within 18 months of enactment, the Secretary is to submit this study to the appropriate committees of the Congress. Additionally, the bill authorizes a total of \$150 million over a 5-year period, beginning with fiscal year 1992, to support the mandated study and provide grants for the research, development, and implementation of a viable U.S. commercial high-speed rail transportation industry.

The "Statement of National Transportation Policy: Strategies for Action" released in 1990 by the administration, highlighted the need to "provide seed money for research on new transportation systems and technology, and assist in assessing their feasibility." We must take this mission seriously if we hope to assure the viability and technological competitiveness of the U.S. transportation industry.

I urge my colleagues to join me as a cosponsor of the High-Speed Rail Transportation Act of 1991.

By Mr. JEFFORDS (for himself and Mr. GRAHAM):

S. 812. A bill to amend the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. JEFFORDS. Mr. President, on May 21 of last year, the Supreme Court ruled that a State does not have the right to regulate the flow of water at dams within its border. The bill I am introducing today clarifies Congress' intent that a State does have control over its own water resources. Before a hydropower dam can receive a Federal permit, the dam must first comply with the laws of the State in which it proposes to operate.

The necessity for this change in law arises from a unanimous Supreme Court decision of May 21 in California versus Federal Energy Regulatory Commission (Rock Creek). The Court founded its decision on a precedent established in First Iowa Hydro-Electric Cooperative versus Federal Power Commission 46 years ago. In view of the long period of intervening time, the Court declined to revisit the interpretation of the Federal Power Act as set forth in the First Iowa decision.

Our knowledge and understanding of the environment has changed dramatically in the last 46 years. Our increasing awareness has prompted passage of the Clean Water Act; the Clean Air Act; the Resource Conservation and Recovery Act; the Comprehensive En-

vironmental Response, Compensation, and Liability Act, and many other environmental measures. I regret that the Supreme Court was not willing to reconsider the precedent set 46 years ago given the environmental awareness that existed at that time.

Mr. President, we have too many examples of the Federal Government's inability to balance environmental concerns with other interests. Our Federal Government's record of protecting the environmental quality of its own lands is poor, and now the Court has given the Federal Government the chance to do the same to State waters.

The Federal Energy Regulatory Commission has an important and difficult regulatory task. With our present and future energy needs, it is very important that we utilize our domestic resources. FERC should be given the regulatory flexibility to review and approve, if appropriate, emerging energy technologies. I agree that FERC's review process is cumbersome, inefficient, and in need of streamlining.

I honestly question, however, whether FERC has the resources and knowledge necessary to undertake the depth of review that is required in many of these applications for small hydroelectric power plants. I have much more confidence in the ability of States to protect the integrity of streams and rivers. In the past, I have proposed delegating the licensing authority to the States. I continue to support any efforts in direction.

In the interim, however, FERC must abide by State water quality standards. Streamlining the relicensing process should not come at the expense of the environment or of States' legitimate needs. Without a regulatory foothold in the application process, the States are rendered essentially powerless.

My bill is very brief and to the point, Mr. President. This bill expands section 401 of the Clean Water Act to stipulate that a "discharge" from a hydropower project includes an activity that, while it might not introduce pollution into the waterway, might still result in water quality degradation or impairment of designated uses recognized under State law. Some courts have interpreted section 401 as applying merely to numeric standards for dissolved oxygen and bacteria in the water. Other uses, such as preservation of wildlife and recreational access, are not given equal standing. This bill gives preservation of wildlife and recreational access equal standing under the law. Numerous environmental groups support this legislation. I have heard from numerous State agencies in support of this legislation, including Alabama, Arkansas, California, Kentucky, Maine, New York, New Jersey, and Idaho.

My bill is not intended to be a hindrance to the development of hydroelectric facilities. These facilities,

however, must be built and operated in a manner that is considerate of other uses of the waterway, and States that have enacted policies to balance these competing uses should have the authority to enforce their policies.

My colleague, Senator CRAIG, has introduced legislation to clarify that it is not the intent of the Federal Power Act to pre-empt State laws. The Craig bill raises legitimate issues which I hope will be promptly and thoroughly reviewed by the Committee on Energy and Natural Resources. I look forward to working with all of my colleagues who are concerned about this issue. I would also like to thank the Energy Committee for accommodating many of my concerns thus far.

Mr. President, the Supreme Court, in its decision, invited Congress to revisit and clarify its intent on the issue of State's authority to protect their water resources. Once again, it is my personal opinion that current law already provides this authority to the States. The courts have differed, and so I propose to settle the matter through enactment of this legislation. I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)(1)) is amended by inserting immediately before the period at the end of the first sentence a comma and the following: "and, in the case of a hydroelectric project under the jurisdiction of the Federal Energy Regulatory Commission that any such activity will comply with water quality standards issued under section 303 and allow for protection, achievement, and maintenance of designated uses included in such standards".

By Mr. GRASSLEY:

S. 813. A bill to establish the Federal Interagency Advisory Council and promote the use of senior citizens in the support of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

S. 814. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

FEDERAL SENIOR CITIZEN PERSONNEL SUPPORT COUNCIL ACT AND THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984 AMENDMENTS

• **Mr. GRASSLEY.** Mr. President, today I am introducing two bills, one of which would help further the employment of older workers, and one of which would enable older workers in an existing program to fully perform the duties required by their jobs. The first bill would establish a Federal interagency council to promote, and coordinate the use of, older workers in the Federal Government. This council would be called the Federal Senior Citizen Personnel Support Council.

The second bill would clarify the Government's liability for the actions of individuals performing services for the Environmental Protection Agency [EPA] in that Agency's Senior Environmental Employment Program [SEE], and would provide those workers with the same access to proprietary information needed to do their work that regular EPA employees have. I introduced both bills last year, but too late in the session for action.

The aim of the interagency council bill is to help foster programs in Federal agencies that employ retired workers. The program established by this legislation would do this in several ways:

First, it would require the interagency council to develop, and monitor implementation of, a plan to increase the employment and utilization of senior citizens as support personnel for Federal programs, and, where feasible, for State and local government programs; to exchange information between Federal agencies with respect to increasing the utilization of senior citizens; and to recommend any legislation necessary to remove obstacles which prevent employment of senior citizens by the Federal Government.

Second, it would require each Federal agency to show, through an agency plan, to be submitted to the council, how it would achieve the goals of the plan developed by the council.

Finally, the Federal Council on Aging would periodically review the progress made by the Federal Government toward employing senior citizens as support personnel in Federal agencies. This Federal Council on Aging review would look at unintended regulatory barriers to employment of older workers, determine the adequacy of announcements of program support opportunities, and identify ways to eliminate impediments and hindrances to employment of older workers.

The inspiration for this council proposal, Mr. President, is the Senior Environmental Employment Program, known as the SEE Program, at the Environmental Protection Agency [EPA]. This program employs older workers to carry out many of the regular activities of the Agency.

This program began some years ago as a demonstration project run jointly by EPA and the Administration on Aging in the then Department of Health, Education, and Welfare. The primary purpose of this original project was to demonstrate ways in which older Americans could be effectively employed in jobs relating to the prevention, abatement, and control of environmental pollution.

Several years later, in 1984, legislation was introduced by myself and Senators Stafford, Heinz, Specter, and Pell to make the program permanent. The Environment and Public Works Committee agreed unanimously to report the legislation, it passed the Senate, and the President signed what became Public Law 98-313 on June 12, 1984.

This program has been a success, and has demonstrated conclusively that older workers can make a contribution to achievement of the Agency's objectives. EPA seeks out older Americans with appropriate skills, training, and expertise to augment its permanent headquarters staff and field staff, as well as the staff of State and local government. These workers survey waste dumps, conduct surveys of hazardous waste products, study the extent to which migrant workers are exposed to pesticides, and undertake many other tasks related to the mission of EPA.

Recently, other agencies have become interested in organizing SEE-type programs. Such a program has been created at the Federal Communications Commission, and I believe that organization of such a program is under consideration at the Occupational Safety and Health Commission.

Mr. President, I believe that this interest shown in a SEE-type program in the Federal Government outside of EPA shows that there is considerable potential for such programs throughout the executive branch and State and local government. I believe that a council, of the sort envisioned by this legislation, could greatly help foster the employment of well-qualified older workers throughout the Federal Government.

The second bill I am introducing today would clarify the Government's liability for the actions of individuals performing services for the EPA in the SEE Program. The bill would also provide the SEE Program workers the same access to proprietary information needed to do their jobs that regular EPA employees presently have.

I am introducing this legislation today because there is concern at the EPA that their SEE workers might be liable to lawsuit as a consequence of work they do on behalf of EPA. What the legislation would do is cover these SEE workers under the Federal Tort Claims Act. The workers in question work under the close, direct, supervision of career EPA officials, on projects, specified by EPA officials,

which are undertaken as part of the EPA mission.

There is also concern at the EPA that the workers in question may not have the legal authority to review, in the course of their work, materials considered to contain proprietary information. This bill would make it clear that they are empowered to review such materials. Again, it is important to stress that these workers are under the close supervision of EPA officials. Furthermore, they are mature individuals with long histories of work comparable to work they would be performing for EPA. In other words, I believe that they would be able to handle such information in a responsible way.

Mr. President, I have a statement from the EPA to the effect that neither the Department of Justice nor the Office of Management and Budget have any problem with this legislation.

I ask unanimous consent that this letter be placed in the RECORD after my remarks together with the text of the two bills.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Senior Citizen Personnel Support Council Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) advance the development of more employment programs which utilize the talents and skills of older Americans especially those who may be subject to age discrimination in the job market;

(2) strengthen the capacity of Federal agencies to perform legislative mandates; and

(3) increase the opportunities for senior citizens to serve the Nation in highly specialized and technical areas where their knowledge and experience can make a meaningful difference.

SEC. 3. ESTABLISHMENT.

There is established the Federal Senior Citizen Personnel Support Council (hereafter referred to as the "Council").

SEC. 4. MEMBERSHIP OF THE COUNCIL.

(a) **MEMBERSHIP.**—The Council shall be composed of 7 members, including—

(1) the Administrator of the Environmental Protection Agency;

(2) the Commissioner of the Administration on Aging of the Department of Health and Human Services;

(3) the Secretary of Labor; and

(4) 4 members appointed by the President, 2 of which shall be representatives of—

(A) national aging organizations; and

(B) senior citizens at large.

(b) **CHAIRMAN.**—the Administrator of the Environmental Protection Agency shall serve as the Chairman of the Council for the initial 3-year term. Thereafter, the Council shall select a Chairman from among its members.

(c) **QUORUM.**—Four members of the Council shall constitute a quorum.

(d) **TERM OF OFFICE.**—Each appointed member shall be appointed for a term of 3 years. A member may serve more than 1 term.

(e) **VACANCIES.**—Any vacancies in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) **INITIAL APPOINTMENTS.**—Initial appointments to the Council shall be made within 60 days after the date of the enactment of this Act.

SEC. 5. FUNCTIONS.

(A) **FEDERAL PLAN.**—The Council shall develop and monitor the implementation of a Government-wide Federal plan to—

(1) increase the employment and utilization of senior citizens as support personnel for federally sponsored programs;

(2) provide for State and local government participation;

(3) exchange information between Federal agencies to greater utilize the skills, training, and expertise of senior citizens in such programs; and

(4) recommend any legislation necessary to remove obstacles preventing implementation of plans under this Act.

(b) **FEDERAL AGENCY PLANS.**—The Council shall review the report and plan of each Federal agency submitted under section 6.

(c) **REPORT.**—No later than January 15 of each year, the Council shall submit a report to the President and the Congress on the status of the implementation of the Federal plan developed under subsection (a) for the preceding year.

SEC. 6. FEDERAL AGENCY PLANS AND REVIEW.

(a) **FEDERAL AGENCY PLANS.**—No later than January 15 of each year, each Federal agency shall submit to the Council a plan that—

(1) applies and implements the Government-wide plan developed under section 5 to the agency;

(2) sets out the objectives of the agency in implementing such plan in the upcoming year; and

(3) measures the performance of the agency in meeting the objectives of the preceding year.

(b) Federal Departments and Agencies establishing employment programs for senior citizens shall designate such programs as Senior Employment Exchange (SEE) programs with the exception of the United States Environmental Protection Agency, which has been established as the Senior Environmental Employment (SEE) program.

(c) **REVIEW OF FEDERAL AGENCY PROGRAMS.**—No later than January 1, 1995 and every 5 years thereafter, the Director of the Federal Council on Aging shall oversee a special review by each Federal agency to determine the extent to which senior citizens are given an equal opportunity to participate as support personnel in Federal programs. The review shall examine unintended regulatory barriers, determine the adequacy of announcements of program support opportunities and identify ways for eliminating impediments and hindrances.

SEC. 7. COOPERATION WITH FEDERAL AGENCIES.

(a) **FURNISHING INFORMATION.**—Each department, agency, and instrumentality of the Federal Government is authorized and directed to furnish to the Council, upon requests made by the Chairman, such data, reports, and other information not otherwise prohibited by law as the Council determines necessary to carry out its functions.

(b) **PROVISION OF SERVICES.**—The head of each department or agency of the Federal Government is authorized to provide to the Council such services as the Council requests on such basis, reimbursable or otherwise, as

may be agreed between the department or agency and the Chairman of the Council. All such requests shall be made by the Chairman of the Council.

(c) **ENVIRONMENTAL PROTECTION AGENCY SUPPORT SERVICES.**—For the initial term of the Administrator of the Environmental Protection Agency as Chairman of the Council, the head of the Office of Senior Environmental Employment of such agency shall provide support services for the Council. Thereafter the Environmental Protection Agency, the Department of Labor, and the Administration on Aging shall provide services to the Council on a rotational basis or as otherwise agreed by such agencies in the same manner as provided for under subsection (b).

SEC. 8. ADMINISTRATIVE PROVISIONS.

(a) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of service for the Council, appointed members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(b) **PERSONNEL.**—The Council may appoint and fix the compensation of personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule. In addition, the Council may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for the maximum rate authorized by the General Schedule.

(c) **CONSULTANTS.**—The Council is authorized to negotiate and enter into contracts with private organizations and education institutions to carry out such studies and prepare such reports as the Council determines are necessary in order to carry out its duties.

(d) **COMPENSATION.**—Individuals serving under the Senior Employment Exchange program shall be considered enrollees, entitled only to those wages and other appropriate fringe benefits as provided by statute and regulation governing such programs.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Council such sums as may be necessary to carry out the provisions of this Act.

S. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Programs Assistance Act of 1984 Amendments of 1991".

SEC. 2. AMENDMENTS TO THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT.

Section 2 of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a) is amended by adding at the end thereof the following new subsections:

"(d) For purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of an individual whose talents are authorized to be used by this section, the United States is liable for

the damage, injury or death in accordance with the provisions of the Federal Tort Claims Act where the individual was acting in accordance with the directions of or under the supervision of an authorized Federal employee.

"(e) For purposes of access to trade secrets and confidential business information, any individual whose talents are authorized to be used by subsection (a) in connection with programs administered by the Administrator of the Environmental Protection Agency, including the Solid Waste Disposal Act (42 U.S.C. 6921(b)(3)(B)(i)(II), 6927(b), and 6991d(b)); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 (e)(2) and (e)(7)); the Clean Water Act (33 U.S.C. 1318(b) and 1369(a)(1)); the Clean Air Act (42 U.S.C. 7414(c), 7542(b), and 7607(a)(1)); and the Public Health Service Act (42 U.S.C. 300j-4(d)); shall be considered to be an authorized representative of the Administrator and the United States and eligible for such access. Such access shall be in accordance with United States Environmental Protection Agency regulations governing disclosure of confidential information to authorized representatives.

"(f) For purposes of access to trade secrets and confidential business information, any individual whose talents are authorized to be used by subsection (a) shall, while being utilized in connection with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h(e), 136(f)(2), and 136j(a)(2)(D)); the Toxic Substances Control Act (15 U.S.C. 2613 (a)(2) and (d)(2)); the Noise Control Act (42 U.S.C. 4912(b)); or under section 408(f) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(f)); be considered to be an authorized representative of the Administrator and the United States and eligible for such access."

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, May 29, 1990.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This letter is to inform you that the Office of Management and Budget has advised the U.S. Environmental Protection Agency (EPA) that there is no objection to the presentation of EPA's proposal cited as the "Environmental Programs Assistance Act Amendments of 1990" to Congress from the standpoint of the Administration's program.

We appreciate your continued interest in this matter.

Sincerely yours,
CHRISTOPHER P. HOFF,
Acting Director,
Legislative Analysis Division. •

By Mr. BROWN (for himself, Mr. HATCH, and Mr. DANFORTH):

S. 815. A bill to amend the Public Health Service Act to provide for the establishment of an office of medical insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes; to the Committee on Labor and Human Resources.

COMMUNITY AND MIGRANT HEALTH CENTERS
SELF-INSURANCE ACT

• Mr. BROWN. Mr. President, I rise today to introduce legislation to save

community and migrant health centers millions of dollars and use those savings to enhance health care services for America's poorest citizens.

This bill enjoys the support of the National Association of Community Health Centers, the Association of Maternal and Child Health Programs, and the American Association of State and Territorial Health Officers. Although the latter two organizations would not directly benefit from this legislation, they understand the need to address the issue of malpractice coverage for health professionals who serve in medically underserved areas and see this as a first step in developing a wide range of new answers to old problems.

Community and migrant health centers were created in 1966 to provide high-quality health care to patients who, due to poverty, disability, or geographic location normally received little or no health care. Today there are 540 centers across the country with nearly 2,000 clinic sites.

Given the limited funding available to community and migrant health centers, and an increasing demand nationally for their services, the time has come to reduce the burden on these centers of the excessive expense for malpractice insurance.

Health care costs now account for 11.6 percent of the gross national product, and Congress is faced with the spectre of increasing costs for publicly sponsored health care. Congress must examine every Federal dollar spent in the area of health care and make certain that taxpayer dollars are used wisely.

Where Federal action is necessary, Congress should be a prudent consumer and provider of health care services and learn to efficiently and effectively finance health care for America's neediest citizens. By reviewing how we currently spend health care dollars, we can find ways to restructure our system to release moneys to address pressing national concerns, such as health care for America's poor.

The exorbitant cost of malpractice insurance has centers struggling to provide primary health care for our Nation's neediest people. According to the National Association for Community Health Centers, for every one patient they serve, four more need care. Health centers are reporting that 15-28 percent of their patients have to be placed on a waiting list due to limited financial and professional resources.

Health centers are experiencing a shortage of obstetricians/gynecologists. In fact, 30-40 percent of all centers do not have staff obstetricians/gynecologists and must contract out for these services or simply not offer prenatal care. This limitation has a tremendous effect on the 1.8 million women of childbearing ages who depend on community and migrant health cen-

ters for prenatal care and family planning services.

Who depends on these centers? Six million Americans a year receive care from community and migrant health centers. Of these 6 million patients, 4 million are minorities and 2.5 million are children. Community and migrant health centers also play a key role in delivering health care services to the homeless of our society, serving over 300,000 homeless Americans.

Community and migrant health centers are a main source of primary care for this Nation's uninsured. In a report by the National Association of Community Health Centers, they estimate that 49 percent of patients treated at these health centers are uninsured Americans. The remaining 51 percent are a mixture of Medicare and Medicaid clients, and a small number of privately insured patients.

In my home State of Colorado, 243,534 patients were treated by community and migrant health centers in 1990 at an average cost of \$206 per patient; 65 percent of the patients treated at the 14 community and migrant health centers in Colorado do not have insurance; 30 percent of all patients were children under the age of 14; 12 percent were migrant and seasonal farmworkers. In my hometown of Greeley, the Sunrise Community Health Center has had to stop seeing new patients from outside of Weld County due to limited resources.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community and Migrant Health Centers Self-Insurance Act of 1991".

SEC. 2. ESTABLISHMENT OF OFFICE OF MEDICAL INSURANCE.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. OFFICE OF MEDICAL INSURANCE.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Public Health Service an Office of Medical Insurance to administer the fund established under subsection (b).

"(b) SELF-INSURANCE FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Office of Medical Insurance Self-Insurance Fund (hereafter in this section referred to as the 'Self-Insurance Fund'), consisting of such amounts as are transferred to the Self-Insurance Fund under paragraph (2) and any interest earned on the investment of amounts in such Fund under paragraph (3)(B).

"(2) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Self-Insurance

Fund an amount equal to the sum of amounts received under subparagraph (B).

"(B) AMOUNTS.—The Secretary of Health and Human Service shall make available for transfer under subparagraph (A)—

"(i) from amounts appropriated under sections 329(h), 330(g) and 340—

"(I) \$30,000,000 for fiscal year 1992;

"(II) \$25,000,000 for each of the fiscal years 1993 and 1994; and

"(III) for each of the 1995 and subsequent fiscal years, such sums as are determined necessary by the Office of Medical Insurance, based on claims filed during each of the fiscal years 1992 through 1994, to maintain the actuarial soundness of the Self-Insurance Fund; and

"(ii) such sums as are received, and not otherwise utilized for administrative purposes, by the Office of Medical Insurance from assessments made under subsection (c)(2).

"(C) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Self-Insurance Fund under subparagraph (A) shall be transferred at least quarterly from the general fund of the Treasury to the Self-Insurance Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) INVESTMENT OF FUNDS.—

"(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Self-Insurance Fund as is not, in the judgment of such Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Self-Insurance Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(B) SALE OF OBLIGATION.—Any obligation acquired by the Self-Insurance Fund (except special obligations issued exclusively to such Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Self-Insurance Fund shall be credited to and form a part of such Fund.

"(4) OBLIGATIONS FROM FUND.—

"(A) IN GENERAL.—The Secretary of Health and Human Services, acting through the Office of Medical Insurance, is authorized to obligate such sums as are available in the Self-Insurance Fund (including any amounts not obligated in previous fiscal years) to—

"(i) provide coverage for successful medical malpractice claims filed against health care providers utilized by community or migrant health centers or other centers receiving assistance under section 329, 330 or 340 or their health care providers, if such claims arise from care provided by such providers pursuant to authority granted by such health centers; and

"(ii) provide coverage for successful claims filed against the Directors or officers of community or migrant health centers, or against health care for the homeless programs, receiving assistance under section 329, 330 or 340 or their health care providers, if such claims arise from any acts, errors, or omissions of the duties of such Directors or officers;

as provided for in subsection (c)(3)

"(B) CONTINGENCY FUND.—From amounts transferred into the Self-Insurance Fund under paragraph (2)(B), the Secretary of Health and Human Services shall set aside—

"(i) \$10,000,000 in fiscal year 1992; and

"(ii) \$5,000,000 in each of the fiscal year 1993 and 1994;

to establish a contingency fund, that may be invested as provided for in paragraph (3), to be utilized only upon a determination made by such Secretary that a claim made on the Self-Insurance Fund is of a catastrophic nature.

"(5) OVERSIGHT.—

"(A) EVALUATION.—Not less than once every 2 years, the Office of Medical Insurance shall conduct a review of the Self-Insurance Fund to evaluate the actuarial health and soundness of such Fund and shall track any substantial changes in total amounts claimed against such Fund during such periods.

"(B) EXCESS FUNDS.—If the Office of Medical Insurance determines that excess monies are building up in the Self-Insurance Fund as a result of investment returns or lower than expected anticipated claims against the Fund, such Office shall direct the Secretary of the Treasury to transfer such excess from the Fund to the appropriate accounts for the funding of migrant and community health centers under section 329, 330 or 340. Notification of such transfers shall be provided by the Office to the appropriate Committees of Congress.

"(C) INSUFFICIENT FUNDS.—If the Office of Medical Insurance determines that insufficient amounts are contained in the Self-Insurance Fund, the Office shall request that the President submit a budget request, either as part of the annual budget of the United States government submitted to the Congress pursuant to section 1105 of title 31, United States Code or for a supplemental appropriation, for additional funds.

"(c) ADMINISTRATIVE PROCEDURES.—

"(1) ELIGIBILITY.—To be eligible to receive coverage from the Self-Insurance Fund under subsection (b)(4), a migrant or community health center, or health care for the homeless program, that receives assistance under section 329, 330 or 340 shall—

"(A) permit any malpractice insurance contract that such center has entered into prior to the date of enactment of this section, and that has not expired by such date, to remain in effect until its normal expiration date;

"(B) notify the Office of Medical Insurance that such center has—

"(i) elected to accept malpractice insurance coverage as provided for in this section; or

"(ii) elected to retain malpractice insurance coverage under a commercial insurance contract that is demonstrated to be less expensive to such center than participation in the Self-Insurance Fund;

"(C) agree to make contributions as provided for in paragraph (2); and

"(D) agree to comply with the claim procedures described in paragraph (3).

"(2) CENTER CONTRIBUTIONS.—The Office of Medical Insurance shall, for each fiscal year for which a migrant or community health center, or health care for the homeless program, that receives assistance under section 329, 330 or 340 elects to accept malpractice insurance coverage from the Self-Insurance Fund, assess a contribution to be paid by each such center based on a pro-rata formula developed by the Office to maintain the actuarial soundness of the Self-Insurance Fund.

"(3) CLAIM PROCEDURES.—

"(A) COVERAGE.—The Self-Insurance Fund shall provide coverage, as provided for in this section, for a court ordered settlement decision, or out of court settlement agreement, concerning a medical malpractice claim that is ordered or reached after the date of enactment of this section, without regard to the date on which such claim was originally filed.

"(B) SUBMISSION AND PAYMENT OF CLAIMS.—A court ordered settlement decision or out of court settlement agreement shall be submitted by the appropriate migrant or community health center, or health care for the homeless program, to the Office for Medical Insurance for payment from the Self-Insurance Fund not later than 30 days after such decision or agreement is ordered or reached. The Office will make payment on such claim, after determining that the center has complied with the requirements of this section, during either the second or fourth quarter of the fiscal year during which such claim for payment is made.

"(C) CLAIMS MANAGEMENT.—The Office for Medical Insurance may enter into a contract with a public or nonprofit private entity for the management of claims submitted to the Self-Insurance Fund under this section.

"(d) USE OF SAVINGS.—

"(1) MIGRANT OF COMMUNITY HEALTH CENTERS.—Section 329(d)(4)(B) or section 330(d)(4)(B) shall apply to a migrant or community health center that derives any savings as a result of participating in the Self-Insurance Fund.

"(2) HEALTH CARE FOR THE HOMELESS PROGRAMS.—The Secretary shall promulgate regulations that apply provisions similar to those referred to in paragraph (1), to savings derived, as a result of participation in the Self-Insurance Fund, by health care for the homeless programs that are funded under section 340.

"(e) ADMITTING PRIVILEGES.—It shall be unlawful for any hospital to deny admitting privileges to any physician, dentist, or other health care personnel who is employed by, or under contract to, a health center, program, or other entity receiving assistance under section 329, 330, or 340 and to whom admitting privileges are available, except that such physician, dentist, or other health care personnel shall otherwise meet the professional qualification standards established by the hospital for granting such privileges and shall agree to abide by all published bylaws,

rules, and regulations applicable to the medical staff of such hospital.

"(f) ACTUARIAL ANALYSES.—

"(1) REQUIREMENT.—Not later than September 30, 1997, the Office of Medical Insurance shall request and enter into contracts for the conduct of three actuarial analyses concerning the performance of the Self-Insurance Fund.

"(2) TYPES.—The analyses required under paragraph (1) shall include—

"(A) an analysis to be conducted by the Health Care Financing Administration;

"(B) an analysis to be conducted by the Congressional Budget Office; and

"(C) an analysis to be conducted by an independent evaluator selected by the Office through a competitive bid process.

"(3) CONTENTS.—The analyses conducted under this subsection shall be based on the claims history of the Self-Insurance Fund for at least a 36-month period and shall contain—

"(A) recommendations on the manner in which the Fund should be managed during the 4-year period beginning with fiscal year 1997;

"(B) a description of whether the Fund contains sufficient or excessive amounts of capital; and

"(C) a description of the actions that are or may be needed to ensure that the administration and capitalization of the Fund is in compliance with this section.

"(4) DATA COLLECTION METHOD.—Not later than 1 year after the date of enactment of this section, the Office of Medical Insurance shall develop a data collection method to ensure that accurate and reliable data is collected and made available concerning the Self-Insurance Fund."

By Mr. MOYNIHAN (for himself, Mr. BROWN, Mr. PELL, Mr. HELMS, Mr. LIEBERMAN, Mr. BURNS, Mr. INOUE, Mr. SIMON, Mr. KERRY, Mr. SPECTER, Mr. WALLOP, Mr. AKAKA, Mr. BRADLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. RIEGLE, and Mr. SEYMOUR):

S. 816. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering; to the Committee on Foreign Relations.

BALTIC HUMANITARIAN ASSISTANCE

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation which would provide \$20 million in humanitarian assistance to the Baltic States.

Since the signing of the illegal protocols to the Molotov-Ribbentrop nonaggression pact of 1939 that purported to grant Moscow dominion over the Baltic States, the Baltic peoples have struggled bravely for their independence.

For 50 years, the United States has championed this independence rhetorically. But we have balked at providing material aid. In the 101st Congress I introduced legislation to provide \$10 million of medical and humanitarian assistance to Lithuania, in response to the Soviet blockade and as a concrete demonstration of support for the Lithuanian people.

After the blockade was lifted I argued that Lithuania had no reserves and that the Soviets could plunge the state into crisis in a moment's notice. That these were not appropriate circumstances for genuine negotiations. More. After a half century of providing nothing but rhetoric to support the Baltic peoples, I thought it was time to provide tangible assistance.

I believe that even more strongly now. Perhaps tangible support would have helped to deter the recent crack-down in the Baltic States. To be sure, I welcome the Bush administration's belated decision to transport donated medical assistance to the Baltic States. But this is not enough. The Congress must adopt legislation to provide the Baltic States with humanitarian assistance purchased with U.S. funds.

Mr. President, I introduce this legislation today for myself, Senator BROWN, and 17 of our colleagues. I encourage others to join us in this effort, and ask unanimous consent that the text of this measure be printed in the RECORD at this time.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"Sec. 495L. BALTIC HUMANITARIAN RELIEF.—(a) The Congress recognizes that prompt United States assistance is desirable to help alleviate suffering in the Baltic republics which has caused great suffering among the Baltic peoples, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

"(A) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Estonian, Latvian, and Lithuanian people;

"(B) solicit private sector donations of humanitarian assistance for Estonia, Latvia, and Lithuania; and

"(C) cooperate with private relief agencies attempting to provide such humanitarian aid.

"(2) The Commander-in-Chief of the United States Transportation Command is authorized to provide all airlift and sealfift necessary to transport United States public and private donations of medical supplies to the Baltic peoples on a regular basis.

"(c)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President \$20,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(d) Assistance may be provided under this section notwithstanding any other provision of law other than laws referred to in section 503(b) of the Support for East European Democracy (SEED) Act of 1989.

"(e) The Congress urges the President to begin negotiations with the nations surrounding Estonia, Latvia, and Lithuania, including the Union of Soviet Socialist Republics and Poland, regarding the importation of humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Estonian, Latvian, and Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Baltic peoples begin to receive humanitarian assistance immediately.

"(f) For purposes of this section, the term 'humanitarian assistance' includes—

"(1) oil, gas, and fuel for emergency vehicles and medical facilities;

"(2) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(3) medical supplies; and

"(4) food and clothing."●

● Mr. BROWN. Mr. President, today I join with my colleague from New York, Senator MOYNIHAN, to introduce the Baltic humanitarian relief bill of 1991. Almost 1 year ago, the Soviets imposed a suffocating economic blockade upon the men and women of Lithuania. These brave people had declared their independence from the Soviet empire on March 11, 1990, and though they did not realize it, they faced almost 3 months without even the basic necessities.

Since then, although the blockade of Lithuania has been lifted, the hardship experienced there has grown to include the other Baltic States of Latvia and Estonia as well. As each of these brave nations has made clear its resolve to regain its freedom, Soviet attempts to coerce them to change their course have increased in number and intensity. For instance, the number of Russian troops and tanks garrisoned in the Baltic Republics has skyrocketed within the last year. Although actual numbers are difficult to obtain, senior members of the legislative bodies of all three republics report substantial increases in the number of Soviet troops.

Food, in short supply throughout the Soviet Union, has been used by President Gorbachev as a weapon against these three tiny nations during the past winter. As the West shipped grain and other foodstuffs to aid those suffering through the tough winter, Gorbachev permitted none of it to reach the Baltic States unless they agreed to become members of the new Soviet empire.

The threat of increased Soviet repression has never loomed more ominously over the head of the Baltic Republics than now. Days ago, President Gorbachev proposed a series of anticrisis measures which include, according to an April 10 article in the

Washington Post, " * * * a tougher Kremlin stance toward rebellious Soviet republics and a moratorium on political demonstrations * * *."

This bill, which we are introducing today, is designed to act as a tangible sign of the support of the people of the United States for the freedom-loving men and women of the Baltic Republics. Just a few short weeks ago, Americans fought to liberate another tiny nation oppressed by its bellicose neighbor. We cannot now overlook the tragedy underway in the Soviet Union.

The administration's earlier decision to transport donated humanitarian supplies is a step in the right direction—and I applaud the administration for taking this action. However, as the noose around the neck of these three Baltic nations tightens, clear signals of the intent of the American people to stand behind them are essential.

The bill we have introduced today authorizes \$20 million from U.S. Agency for International Development funds to provide medical and humanitarian supplies to the people of Lithuania, Latvia, and Estonia. Longstanding United States policy does not recognize the incorporation of these three countries into the Soviet Union. Consequently, this bill includes a provision urging the President to begin negotiations with Poland and the U.S.S.R. to allow direct importation of humanitarian assistance to the Baltics. Until the negotiations are complete, the Administrator of USAID is authorized to furnish the supplies to the Baltics through recognized relief agencies operating there.

These steps, although few in number, are designed to be large in effect by sending a clear signal of the support of the American people for the courageous men and women of the Baltic Republics. I urge my colleagues to join Senator MOYNIHAN and me in providing humanitarian assistance to the Baltics—and in making evident to the world that Americans stand with the brave men and women to whom freedom is the most precious gift of all.●

By Mr. GARN (for himself, Mr. D'AMATO, Mr. GORE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. PELL, Mr. SASSER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 114. Joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

NEUROFIBROMATOSIS AWARENESS MONTH

● Mr. GARN. Mr. President, I rise today to draw attention to a genetic disorder that very few people are aware of, but which afflicts at least 100,000 U.S. citizens, 1.5 million people worldwide, and which 1 in every 4,000 children are born with. The disorder is neurofibromatosis, or NF, and it affects all races and ethnic groups, and both sexes. It is a disorder which can

cause severe disfigurement, loss of limbs, blindness, deafness, skeletal defects, malignancies, and learning disabilities. There is no cure.

Today, I am introducing a joint resolution to designate the month of May 1991 as "Neurofibromatosis Awareness Month." I ask my colleagues to join with me in drawing national attention to this potentially disfiguring and often progressive disorder.

NF is a neurological condition which can cause tumors to grow on nerves anywhere on or in the body at any time. It affects people of all races and both sexes with varying manifestation and degree of severity. While research indicates that NF can be inherited, 50 percent of the people with NF have no family history of the disorder. Additionally, NF leads to learning disabilities. In fact, learning disabilities occur five to six times more often in NF patients than in the general population. However, recent advances in medical research bring hope to this potentially devastating disorder.

These advances in genetic research began with the discovery last summer of the gene which causes NF. Subsequently, researchers discovered the gene product and the gene function. These discoveries are very exciting and put NF research ahead 5 years. What these discoveries also do, which is of major significance, is link the NF-causing gene to the gene which causes cancer. The NF gene product is similar to that of the cancer-causing gene in that it interacts with the cell function in a similar manner. These advances in genetic research hold much hope for a future treatment and, in time, hopefully a cure for NF, as well as many forms of cancer. In fact, just 1 month ago, using what has been learned from the discovery of the NF gene, scientists discovered a gene causing colon cancer. The implications are far reaching. The future is very bright.

The Neurofibromatosis Foundation has worked extremely hard over the years to bring this disorder to the attention of the general public and to seek support for further research and further education. We can help the NF Foundation in its unwavering efforts by designating May 1991 as "Neurofibromatosis Awareness Month."

I know all of you share my deep concern for the thousands of individuals afflicted with this disorder and their families. They face a continuous struggle with not knowing what lies ahead, not knowing what course the disorder will take. I hope you will join with me in recognizing these people and also in celebrating and commemorating these remarkable breakthroughs in research and their profound significance to all of us.●

By Mr. MOYNIHAN:

S.J. Res. 115. Joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on the Judiciary.

PEDIATRIC AIDS AWARENESS WEEK

Mr. MOYNIHAN. Mr. President, I rise today to introduce a Senate joint resolution which when passed would designate the week of June 10 through June 16, 1991, "Pediatric AIDS Awareness Week." My colleague in the House of Representatives, Congressman JOSÉ SERRANO recently introduced identical legislation in that Chamber. Together we hope to provide the country with a week in which our thoughts and actions might turn to children who have AIDS.

We are now into the second decade of this epidemic. While the past decade has taught us much about the disease it has not given us a cure. AIDS is now a generational disease. Passed from mother to child. The virus is passed in utero or during delivery from mother to child. As mothers become infected and eventually sicken and die, many children are left orphans in the care of a foster care system already incapable of managing burgeoning caseloads in many of our urban areas.

Pediatric AIDS is particularly prevalent among minorities who have little access to appropriate health care. Approximately 70 percent of total cases reported are black or Hispanic. Without appropriate early intervention, prevention, and education little can be done to stop the further spread of AIDS. Widespread intravenous drug use continues to spread AIDS to mothers who then imperil their own children.

But as children so often demonstrate, they have a particular resilience to adversity. They offer hope not just for themselves but also for us. We know well the courageous battle Ryan White waged until his death last year. He taught us much about death but also about living. In his short life he learned about intolerance but also about compassion. Faced with dying he attacked life with a vengeance getting out of it every bit he could. He was fortunate in many ways. There are children much less so than he. But his battle was not just for himself it was for all people, particularly I think for children, who have AIDS.

I had a letter recently from a mother in Brooklyn, Mrs. Carol DiPaolo, who wrote to me of her 11-year-old son Joey. Joey has AIDS. He was infected by a transfusion of blood during heart surgery when he was 4 years old. His story is very similar to Ryan White's. Joey has chosen to turn adversity into opportunity. Confronting his school, friends, and community he has educated them about AIDS. Joey's mother and father know the pain only parents can know, but together the DiPaolo's have done more for their community than any of us could ever hope to do.

They know the extreme limitations of medical research and of our health care system in its efforts to combat the spread of the epidemic. In her letter to me she says, "Children are dying and families are disintegrating."

Together with the DiPaolo's, the Sunburst National AIDS project which is coordinating this effort, and children from all over the country who have AIDS we will rally the cause of pediatric AIDS awareness the week of June 10, 1991. I hope my colleagues will join me in moving this resolution swiftly so that we might add the full support of Congress to this effort. Our resolution is for children with AIDS and for their families and for all those whose energies are devoted to their well-being.

I would ask unanimous consent that following this statement the text of the joint resolution, a letter from Mrs. DiPaolo to me and an article from *Newsday* dated October 14, 1990, be printed as if read.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

S.J. RES. 115

Whereas over 157,525 people in the United States have been diagnosed with acquired immunodeficiency syndrome (commonly known as AIDS), and 98,530 people have died from such disease;

Whereas the Public Health Service projects that there will be 365,000 AIDS cases by the end of 1992 and estimates between 1,000,000 and 1,500,000 Americans are infected with the human immunodeficiency virus (commonly known as HIV) which causes AIDS;

Whereas there is an increase in the proportion of AIDS patients who are female and an increasing number of children infected perinatally with AIDS;

Whereas pediatric AIDS refers to AIDS patients under 13 years of age at the time of being diagnosed with the disease;

Whereas the Centers for Disease Control have reported 2,734 cases of pediatric AIDS resulting in 1,423 deaths as of November 1990;

Whereas HIV-infected women can transmit the virus to their infants during pregnancy or at birth;

Whereas schools across the Nation continue to discriminate against AIDS and HIV-infected children and their families;

Whereas it is essential that early intervention and educational resources be made available to all citizens, especially adolescents, female drug abusers, and other high-risk groups to increase awareness of AIDS and the risks associated with engaging in unprotected sexual activity; and

Whereas the Health Care Financing Administration and the Public Health Service should work with appropriate State officials to help design services for children with AIDS or HIV infection: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 10, 1991, through June 16, 1991, is designated as "Pediatric AIDS Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

BROOKLYN, NY,
October 26, 1990.

U.S. Senator DANIEL P. MOYNIHAN,
New York, NY.

DEAR SENATOR MOYNIHAN:

I am the mother of two children ages eight and eleven. Our eleven year old son does not have a promising future. The reason is AIDS.

Joey had open heart surgery at the age of four, May 23, 1984, when he was exposed to the virus during a transfusion. As a family we have turned this negative situation into a positive one. Joey very bravely revealed to his schoolmates, teachers, and the community about his diagnosis. This led to progressive education in our community.

As a parent, I can tell you firsthand what it is like to have a child with AIDS. We must contend with fear, isolation and discrimination from the general public. Pediatric AIDS research leaves much to be desired. We are offered patch-work services and at times not even being informed properly by medical personnel as to how to work the system. Children are dying and families are disintegrating. New York is one of the sixteen crisis cities.

There are two reasons for my letter to you. The first reason is the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (S.2240). The amount of the appropriated funds was drastically reduced to \$190 million. I am also concerned about the delivery of the funds. I am aware that Title XXVI—Emergency Relief grants to areas with substantial need for services will depend on the CDC report for that area. Unfortunately women and children have tremendous needs before they are classified as AIDS. Some of which are taxing our health care system even before being diagnosed. Also what will happen to the lesser number of cases in rural areas? What is or has been your position on this matter?

My second reason for writing is about the First National Pediatric AIDS Awareness Day which will be held in Lafayette Square in D.C. on June 11, 1991. I am the visionary and director for this event working with an organization called Sunburst National AIDS Project. Many numerous families have agreed to bring their infected children to D.C. on that day. It will be a day of unity, a day where all who are concerned about our nation's children, who are infected, can join us and support us. We have families from every state including Hawaii.

Senator Moynihan we need your approval and support. Please step out with us and show the nation that we want our children to have promising futures. We want our children to be respected as productive citizens. We want our children to live. We need our nation to first be aware of the rising numbers of children and teens which are becoming infected. Then we need our nation to work in unity to bring about changes both medically and socially. Will you help us? Will you be our advocate? Please let me know your position on Pediatric AIDS.

Sincerely,

CAROL DIPALO,
Director/Parent Representative

OPENING DOORS AND HEARTS—AIDS BOY
STANDS TALL AS A SYMBOL
(By Catherine Woodard)

Joey DiPaolo disappeared as he stepped up into the pulpit in the Cathedral of St. John the Divine to talk about AIDS last month. All the congregation could see were glimpses of the crown of the 11-year-old's head.

"I'm here today because I want to talk to you about me and the AIDS virus," Joey

said, reading carefully from the speech he had dictated to his mother. "Just because I have the AIDS virus doesn't mean that I can't run, ride a skateboard, ride a bike or play baseball or football."

"I also have lots of friends who don't have the AIDS virus. We do tons of things together," he continued in a singsong cadence. "They are not afraid of me and that makes me feel really good."

Joey is feeling really good about his decision four weeks ago to tell his school and his Brooklyn neighborhood about his infection with the human immunodeficiency virus that causes AIDS.

About a dozen parents asked the principal of Roy H. Mann Junior High School to transfer their children from Joey's classes. One child transferred to private school when the principal refused. But a rumored boycott and demonstration never materialized, and most of the reaction to Joey's disclosure has been supportive. One classmate even collected more than 100 signatures from children and parents who backed Joey's decision.

Joey's parents, Jim and Carol DiPaolo, are thankful. They weren't sure what to expect when Joey's picture appeared on the front page of New York Newsday and soon thereafter on local and national television. Just five years ago, nearly 10,000 children were yanked out of Queens schools in District 27 and District 29 to protest the enrollment of an unidentified second-grader with AIDS.

Just five years ago, Ryan White, an Indiana teenager with AIDS was told by the school board that he would have to take classes at home with a private tutor.

White, who died last spring, had to sue to get back into the classroom.

But Joey, pint-sized and energetic, grew tired of living a secret. He became infected after he received a contaminated blood transfusion during heart surgery in 1984, but doctors treating him for a variety of infections did not think to test him for HIV until four years later. Joey and his parents had kept his infection a secret until last month. They decided that disclosure would be the best way to combat the stigma associated with AIDS.

To the DiPaolos' relief, Joey's adjustment to junior high school in District 22 has been surprisingly uneventful. The district superintendent, John Comer, and Joey's principal, Patrick Timpona, have declined to comment. But health and education officials say they are hopeful that Joey's experience is a signal that the public is becoming more knowledgeable about AIDS.

"The general public knowledge is significantly higher," said city Health Commissioner Woodrow A. Myers, Jr., who was Indiana's health commissioner during the Ryan White controversy. "There are still people who believe the wrong things about how it's spread, but most people know the right ways in which it is spread."

But equally critical, he said, was a united front by school officials to treat Joey no differently than other students. Five years ago in Indiana and in Queens, health officials fought to convince school boards as well as irate parents that a child with AIDS is not a hazard in the classroom. In both cases, that assessment was unsuccessfully challenged in the courts.

"There were people who wanted very much to react as they did five years ago, but it was nipped in the bud," Myers said. "One thing you've got now is public officials who recognize that this is not an issue on which we can compromise. The data is very strong. It's not spread in school settings."

Joey's position of honor in the procession at St. John the Divine last month seemed a triumphant march. He was one of six youths who spoke at a children's service at an international children's summit convened across town at the United Nations.

Joey flashed a grin at his parents as he passed by in black jeans and gleaming new black and white sneakers. He fanned away a lingering cloud of incense and took his seat beside the Very Rev. James Parks Morton. He checked to see that his speech was still securely in his shirt pocket and shoved his hands into his pants pockets to wait through the Episcopal liturgy.

When his turn came, his message was short and to the point.

"The first thing you should all know is you can get AIDS from sexual contact, sharing needles and from blood transfusions," he said. "You can't get AIDS from kissing, touching, sweating, coughing or sneezing. You can't get it from using the same bathroom, eating out of the same dish or using the same utensils."

Some of the parents of his classmates weren't convinced of that when they asked that their children be transferred from Joey's classes. Two families even received erroneous information from pediatricians that the virus is spread in feces, including a warning that their children should not use the same bathroom as Joey.

But all but one of the 12 students whose parents requested transfers are still in the classroom with Joey.

Juliana Granton, whose daughter Kristie is in several classes with Joey, still believes that the request for a transfer should have been honored. But she is satisfied with the principal's efforts to have health personnel available to answer questions.

"I know people myself that have AIDS," she said. "It's when it is around your children you feel different. You feel as an adult that you have more control."

She agrees with school and health officials that just a few years ago a large number of parents might have been up in arms.

"It's totally different now," she said. "You hear so much more about AIDS. Now it's so much closer to us. It is hitting home base now. It is hitting our children."

Joey and his parents are determined to do what they can to further the public's awareness of AIDS. They've converted their basement to an office to organize a National Pediatric AIDS Awareness Day, scheduled for June 11 in Washington. The nonprofit Sunburst National AIDS Project is financing the organization of the project.

"Discrimination is still in epidemic proportions," Carol DiPaolo said. "People have to understand that it could be the child next door."

The surprising ease of Joey's disclosure "is just like one little needle standing up in a big haystack," DiPaolo said. She has heard too many horror stories the last two summers from other people attending a camp for children with AIDS and their families—stories of ostracism, stories about families being evicted from their apartments, stories of families afraid to tell even close relatives.

The DiPaolos have had no shortage recently of stages from which to deliver their message. Joey has been a regular on national talk shows, and for the most part he seems to relish the attention, although he admits that he gets tired of being asked if he is afraid of dying. For that question he has a standard response: "If you think about dying then you're going to die, and if you think about living then you're going to live."

He isn't shy about taking advantage of the limelight. He requested stretch limousines to ferry him to television appearances after "Good Morning America" dispatched only a black sedan.

But even Joey seemed annoyed the morning two television crews and a swarm of reporters and photographers showed up to walk with him to school. There was a rumor that morning that parents might be picketing the school in protest.

"If they are out there when I come out this afternoon, I'm not going to talk to them and maybe they will go away," he told his friend Alan Bass as they hitched on their backpacks and started toward school. The cameras quickly attracted a crowd of curious children.

Joey's cousin, Richie Carbone, a film student who was videotaping Joey, thrust the camera toward some eighth-graders and started firing questions.

"Anybody here care if a kid with AIDS is in your class?" Richie asked. No one did, although a few said the school should teach more about AIDS.

Joey stood at the side grinning at his anonymity in the middle of the circus. The older students didn't realize he was the student in question.

There is no reason they should have been able to guess. At 4-foot-4 and less than 60 pounds, Joey is smaller than many of his classmates. But there are few signs that he battles a life-threatening illness.

He is being treated at the National Institutes of Health in Bethesda, Md., with the experimental drug dideoxyinosine, DDI, which slows the spread of the AIDS virus. Recently he has developed a painful yeast infection in his esophagus, one of the opportunistic infections that define full-blown AIDS. But doctors aren't sure yet whether the infection is a sign of further deterioration of his immune system or whether it is related to antibiotics he takes because his spleen was removed in 1987.

Joey lets his mom worry about medical strategies and concentrates on more pressing concerns like improving his skateboard technique.

"I want to thank my father, my mother and my sister Lauren for letting me live like a normal kid," he said closing his speech at St. John the Divine.

The big bonus of the speech was backstage tickets for the afternoon Rally for Children in Central Park. Joey was counting on the ticket to get him close to the Teenage Mutant Ninja Turtles who dropped by as promised from their concert at Radio City Music Hall.

Joey and Brandon Negron, a Staten Island 11-year-old who spoke about racism at St. John the Divine, wiggled through the crowd at the back steps of the stage, only to be stopped at a temporary gate by a stern-looking woman holding a clipboard.

The boys leaned on the temporary fence and screamed to get the attention of the large reptiles, Raphael and Michaelangelo. "Yo, turtle," Brandon yelled. "Yo, get a hearing aid."

"What good are these passes?" Joey pleaded in frustration as the turtles began to walk away.

An adult intervened. The boys were permitted past the barrier. They raced desperately in the direction where the turtles had departed, but to no avail. Later in the afternoon, two turtles would return and Joey would take the coveted photograph. But at that moment his prospects looked pretty bleak.

Joey slammed the camera back to his father in frustration and sulked by a picnic table. "I'm just bored and I want to go home," he announced.

His parents weren't ready to leave. They had packed a huge stack of yellow fliers about National Pediatric AIDS Awareness Day to hand out to the crowd. And Carol DiPaolo was waiting to buttonhole Mayor David N. Dinkins. He had sent Joey an award for bravery and might be sympathetic to producing a proclamation for the AIDS Awareness Day.

Finally the mayor's motorcade pulled up to the back gate. Carol pressed Joey into the crowd. "This is Joey DiPaolo, the little boy from Brooklyn with the AIDS virus," she said.

"Oh, Joey, you're a brave little boy," Dinkins said. "Do you have a hug for me?"

Joey did as asked and politely turned away to scout the backstage. There was a chance the turtles might reappear.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN, Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 116. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on the Judiciary.

EARTH DAY

Mr. ROTH. Mr. President, I rise today along with Senator GORE and 52 cosponsors to introduce legislation that designates this April 22 as Earth Day.

The purpose of this resolution is to promote the preservation of our global environment—perhaps the single most important responsibility we have as steward of this Earth. A similar joint resolution (H.J. Res. 144) has been introduced in the House of Representatives by Mr. DAVID OBEY.

The reason for this legislation is clear: to create an environmental awareness among our friends, families and neighbors—an awareness that is necessary if we are to meet the challenges that threaten our precious natural resources. It is heartening, the tremendous ground swell of support that we have seen recently in our schools

and communities concerning the environment, and our responsibility to care for it, but this new awakening is only a beginning. It must spread not only across our land, but throughout the world.

This resolution represents another important step toward promoting an environmental ethic that will last more than a day—more than a season—but for generations to come. Only when conservation becomes second nature and everyone participates in protecting the wind, water, plants, and animals that make up our fragile biosphere can we be satisfied. Only when Earth Day is everyday, can we rest assured that enough has been done.

But until then, I urge all of my colleagues to join with Senator GORE and me to designate April 22 as Earth Day for 1991. Because education is so vital to the creation of an environmental ethic, the designation of this special day will give our schools, colleges, and communities a cause to focus on the environment and teach our children how they can play a vital role in its preservation.

I hope that our educators and leaders will center activities and lessons around this day, even designate a week to promoting awareness and conservation. This is how we will take the successes we have seen in the last few years and stretch them into a lifetime. This is how we will raise a generation of Americans who learn to serve the environment as well as the environment serves them.

Mr. President, at this time I would also like to commend my close friend and former colleague, Senator Gaylord Nelson, on his success in making the environment a major focus in our political process. The success he has realized is one of the most heartening examples of the democratic process. It truly started as a grassroots effort back when the first Earth Day was celebrated in 1970. Because of his efforts, when it comes to protecting the environment, today we are beyond the bandwagon and into a parade.

I urge my colleagues to join me in sponsoring this legislation, and I ask unanimous consent that a copy of the legislation be placed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 116

Whereas the world faces an international crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that April 22, 1991 is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Mr. DOMENICI. Mr. President, last April, I joined many of my esteemed colleagues in the Senate and the House in cosponsoring the resolution celebrating the 20th anniversary of Earth Day. I am pleased to have the opportunity to continue my support of this environmental awareness initiative by cosponsoring the Earth Day 1991 joint resolution.

Many Americans take for granted the clean air we breathe, the fresh water we drink, and the bountiful natural resources we enjoy in this Nation's many forests, parks, and public lands. But, these very resources were in serious jeopardy only two decades past when, as a Nation, we were teetering on the brink of environmental catastrophe. The people of this Nation and the Congress responded to the crisis at hand and mobilized to effect laws which would protect and enhance our natural resources. In the 21 years since the first Earth Day was celebrated, the Congress has passed more than 30 major environmental initiatives aimed at protecting the environment.

Much work remains to be done. In the 102d Congress, we will address issues of national significance including the long-awaited development of a National Energy Policy, global warming, clean water, Resource Conservation

and Recovery Act, wilderness designation, and multiple uses of our public lands. I am committed to ensuring that this Nation continues to protect its natural resources while allowing the orderly development and wise use of those resources in a complimentary manner.

It is because of this commitment that I have been involved in setting aside almost 1 million acres in New Mexico as wilderness, in designating the El Malpais National Historical Monument in Grants and Chaco Culture National Historical Park in McKinley County, and in protecting several of New Mexico's waterways as wild and scenic rivers. Last year, I introduced legislation in the Senate, which subsequently became law, to create the Petroglyph National Monument in Albuquerque, as well as the creation of the National Forest Foundation Act.

It is my hope that the environmental awareness this Nation has adopted in the last two decades will continue as our legacy to future generations. The annual recognition of Earth Day is certainly an appropriate time for New Mexico, the Nation, and the International Community to take time out to reflect on how far we've come on environmental issues and assess how far we've yet to go. Although we may not be where we want to be yet, we're a lot further along than we were before the first Earth Day in 1970.

Mr. COHEN. Mr. President, I am very pleased to be joining Senators ROTH, GORE, and others in cosponsoring a joint resolution to designate April 22, 1991 as "Earth Day." I would like to take this opportunity to commend Senators ROTH and GORE for their dedication to our environment and their leadership on an issue that affects us all.

I am cosponsoring this resolution because I believe the health of our environment is vital to our ability to continue as a creative and flourishing society. Earth Day is an important symbol of the global efforts to address environmental concerns. As you are well aware, last year was the first Earth Day in 20 years. The worldwide enthusiasm and support that it generated clearly demonstrates that Earth Day is an event worthy of yearly celebration.

Earth Day is a celebration of one of the noblest causes in the history of the world, the preservation of life on the planet. Today, we face a global environmental crisis that demands our attention. Depletion of the stratospheric ozone layer, deforestation, loss of wetlands, and other wildlife habitats, and the pollution that laces our oceans and surrounds our cities are but a few of the many crises confronting us. A yearly celebration of Earth Day would do much to remind us all of our immense responsibility to pass along a world in which we can all live healthy and enjoyable lives.

After the first Earth Day in 1970, Congress passed two of the most important environmental laws in this Nation's history: the Clean Air Act and the Clean Water Act. Much progress has been made as a result of such laws but clearly more needs to be done. I believe that the heightened awareness of environmental concerns that Earth Day brings also brings us closer to confronting and solving our environmental problems.

By Mr. LAUTENBERG (for himself, Mr. DASCHLE, Mr. SARBANES, Mr. LEVIN, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. DIXON, Mr. BUMPERS, Mr. HEFLIN, Mr. CRANSTON, Mr. MITCHELL, Mr. EXON, Mr. SIMON, Mr. NUNN, Mr. GORE, Mr. LIEBERMAN, Mr. RIEGLE, Mr. BOREN, Mr. MOYNIHAN, Mr. PELL, Mr. SANFORD, Mr. STEVENS, Mr. WARNER, Mr. D'AMATO, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. GARN, Mr. DOLE, Mr. SEYMOUR, Mr. COCHRAN, Mr. MURKOWSKI, Mr. THURMOND, Mr. HATCH, Mr. MACK, and Mr. AKAKA):

S.J. Res. 117. Joint resolution to designate December 7, 1991, as National Pearl Harbor Remembrance Day on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

NATIONAL PEARL HARBOR REMEMBRANCE DAY
• Mr. LAUTENBERG. Mr. President, today I rise to introduce a resolution designating December 7, 1991, as National Pearl Harbor Remembrance Day. This will mark the 50th anniversary of the attack on Pearl Harbor.

On December 7, 1941, the United States was victim to an unprovoked attack by the Japanese Imperial Navy and Air Force. Although negotiations were being held in Washington by Japanese and American diplomats, the Japanese deliberately and secretly planned the attack for that Sunday morning. No war warning was issued and the Pacific Fleet never suspected that an attack force was en route.

On the "date that will live in infamy," Pearl Harbor was surrounded by a dense cloud cover. Suddenly, about 360 Japanese planes broke through the clouds and raided the island. The Japanese bombarded American military installations and Army aircraft located at Hickam and Wheeler Fields. Then the Japanese units attacked the battleships moored at Ford Island.

Concentrating mainly on planes and ships, the Japanese did little damage to the submarine base and repair facilities. Fortunately, all of the American aircraft carriers stationed at Pearl Harbor were on missions away from the base. However, the Pacific Fleet lost eight battleships, three light cruisers,

three destroyers, and four vessels within 2 hours.

The American military bravely fought back to defend their base. Heroism was displayed by the sailors, the soldiers, the flyers, and the gunners as they manned their stations under the most severe conditions. However, all of the service people were caught off guard; many were even sleeping. The resistance of the Americans was not strong enough to fight off the large and prepared Japanese attacking force.

When the surprise and unprovoked attack ended, the Japanese left 2,403 Americans dead and 1,178 wounded. Innocent civilian lives accounted for some of the lost. Additionally, the attack crippled American air defense and undermined our position in the Pacific.

That Sunday morning, more than Hawaii was attacked; our Nation's isolationism was broken. This was the first time in U.S. history that we had been attacked first. Americans were indignant and wanted to avenge the lives that the Japanese had taken. The country became unified and stood behind the President as he signed a declaration of war at 4:10 p.m., Monday, December 8, 1941.

The service people and civilians who were there during the attack deserve a day of remembrance. This resolution requests the President to issue a proclamation asking the people of the United States to observe this solemn occasion with appropriate ceremonies, and to remain eternally vigilant in protecting our Nation from future aggression.

As "Remember Pearl Harbor" was the rallying cry during World War II, we must remember all of those who lost their lives during the tragedy, and commit ourselves to never being caught unprepared again.

I want to commend all the New Jersey members of the Pearl Harbor Survivors Association for their active and strong support of this resolution. The 10,000 member national organization is fortunate to have Lee Goldfarb as its vice commander. Mr. Goldfarb has spent many years assuring that Pearl Harbor will not be forgotten. I thank him and his association for not letting anyone forget the events that occurred for 2 hours at Pearl Harbor 50 years ago.

I ask unanimous consent that a copy of the joint resolution be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support this joint resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 117

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in

action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas December 7, 1991, will mark the fiftieth anniversary of the unprovoked attack;

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1991, in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1991, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression. •

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 21

At the request of Mr. CRANSTON, the names of the Senator from Maryland [Mr. MIKULSKI] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 68

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 127

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veter-

ans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. SANFORD], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Dakota [Mr. PRESSLER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 152

At the request of Mr. COATS, the names of the Senator from Utah [Mr. GARN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to \$4,000.

S. 168

At the request of Mr. CONRAD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 168, a bill to implement certain recommendations of the Garrison Unit Joint Tribal Advisory Committee regarding the entitlement of the Three Affiliated Tribes and the Rock Sioux Tribe to additional financial compensation for the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir, and for other purposes.

S. 246

At the request of Mr. LOTT, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 246, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or Reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 250

At the request of Mr. FORD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from California [Mr. CRANSTON] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 257

At the request of Mr. METZENBAUM, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor

of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 267

At the request of Mr. REID, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 339

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 339, a bill to enhance the Federal Government's authority and ability to eliminate violent crime committed by out-law street and motorcycle gangs.

S. 420

At the request of Mr. SARBANES, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 420, a bill to increase to \$50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 492

At the request of Mr. SIMON, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 492, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive, primary, and preventive care, and for other purposes.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the School Lunch Program offer students specific types of fluid milk, and for other purposes.

S. 514

At the request of Ms. MIKULSKI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other Acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 573

At the request of Mr. CRANSTON, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 573, a bill to amend the Foreign Assistance Act of 1961 to condition the availability of security assistance for a foreign country on that country's compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, and for other purposes.

S. 574

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 574, a bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 576

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 576, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site day-care facilities for dependents of their employees.

S. 597

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 597, a bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are abusers and children of substance abusers, and for other purposes.

S. 614

At the request of Mr. DASCHLE, the names of the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 619

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 619, a bill to establish a Link-up for Learning Demonstration Grant Pro-

gram to provide coordinated services to at-risk youth.

S. 623

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 623, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to maintain the current Federal-State funding ratio for the Justice Assistance Grant Program.

S. 651

At the request of Mr. GARN, the names of the Senator from Hawaii [Mr. INOUE] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 658

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 658, a bill to provide law enforcement scholarships and recruitment incentives.

S. 665

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 665, a bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 775

At the request of Mr. CRANSTON, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 776

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 776, a bill to require that humanitarian assistance to Cambodia be provided through international organizations and private and voluntary organizations and to prohibit assistance to combat forces seeking to overthrow the Government of Cambodia.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Rhode Island

[Mr. CHAFEE] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 786

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. INOUE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 42

At the request of Mr. RIEGLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 42, a joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 69

At the request of Mr. RIEGLE, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 69, a joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. MCCAIN], the Senator from Virginia [Mr. WARNER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. MITCHELL], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. MACK], the Senator from Alabama [Mr. SHELBY], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. SIMON], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

SENATE JOINT RESOLUTION 85

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 85, a joint resolution authorizing and requesting the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., U.S. Army, to the permanent grade of General of the Army.

SENATE JOINT RESOLUTION 86

At the request of Mr. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. INOUE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992, as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor

of Senate Joint Resolution 91, a joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya.

SENATE JOINT RESOLUTION 92

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. AKAKA], the Senator from Ohio [Mr. GLENN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate July 28, 1992, as "Buffalo Soldiers Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. CRAIG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Wisconsin [Mr. KOHL], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. SASSER], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. HEFLIN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Florida [Mr. MACK], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. SYMMS], the Senator from California [Mr. SEYMOUR], the Senator from Maine [Mr. COHEN], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating the second week in May 1991 as "National Tourism Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr.

LEVIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Florida [Mr. MACK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KERRY], the Senator from Tennessee [Mr. GORE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 105, a joint resolution to designate April 14, 1991, to April 21, 1991, and May 3 to May 10, 1992, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal U.N. General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 112

At the request of Mr. SARBANES, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to designate the week of April 21, 1991, through April 27, 1991, as "Big Brothers/Big Sisters of America Appreciation Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. THURMOND], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab States to recognize, and end the state of belligerency with, Israel.

SENATE RESOLUTION 41

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Resolution 41, a resolution to establish April 15, 1991, as "National Recycling Day."

SENATE RESOLUTION 93

At the request of Mr. MITCHELL, his name was added as a cosponsor of Senate Resolution 93, a resolution commending the University of Tennessee

Women's Basketball Team on their third NCAA title.

SENATE CONCURRENT RESOLUTION 26—RELATIVE TO ENVIRONMENTAL PROTECTION OF ANTARCTICA

Mr. KERRY (for himself, Mr. LEVIN, Mr. AKAKA, Mr. KENNEDY, Mr. JEFFORDS, Mr. INOUE, Mr. LIEBERMAN, Mr. HARKIN, Mr. DASCHLE, Mr. PELL, and Mr. GORE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 26

Whereas Antarctica, like the great oceans and the atmosphere, is part of the global commons;

Whereas Antarctica is the Earth's last near-pristine continental wilderness and is, thus, a critical area in the study of global change;

Whereas the exploitation of minerals resources in Antarctica could severely degrade the Antarctic environment and threaten its fragile marine ecosystem;

Whereas the Antarctica Protection Act of 1990 (Public Law 101-594) and Public Law 101-620 call for an indefinite prohibition on all Antarctic minerals activities and for the permanent protection of the Antarctic environment;

Whereas significant progress was made toward achieving these goals at the special consultative meeting of parties to the Antarctic Treaty in November 1990; and

Whereas the upcoming consultative meetings of parties to the Antarctic Treaty provide opportunities for the United States to exercise leadership toward the protection and sound management of Antarctica: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that Antarctica, as a global ecological commons, should be subject to a new agreement of protocol among the Antarctic Treaty Consultative Parties which would supplement the Antarctic Treaty (signed at Washington on December 1, 1959; 12 UST 795 et seq.) by providing for comprehensive environmental protection of Antarctica and by establishing Antarctica as a region closed, for an indefinite period, to commercial minerals development and related activities, unless a consensus is reached among the parties to the Treaty to modify its terms for such purposes.

(b) Such agreement would also—

(1) conserve and protect permanently the natural environment of Antarctica and its associated and dependent ecosystems;

(2) grant Antarctica special protective status as a world park dedicated to wilderness protection, international cooperation, and scientific research; and

(3) would include other comprehensive measures for the protection of the Antarctic environment.

(c) The prohibition on all minerals activities in Antarctica in such a new agreement would fully support and strengthen the Antarctic Treaty's fundamental objective of keeping Antarctica free of international discord and activities of a military nature.

(d) It is further the sense of the Congress that, at the upcoming special consultative meeting of parties to the Antarctic Treaty, April 22 through 27, 1991, in Madrid, Spain, the President should support efforts to con-

clude the international agreement described in subsection (a).

● Mr. KERRY. Mr. President, Antarctica plays an important and unique role in our global ecosystem and it must be protected. I rise today to submit a concurrent resolution urging U.S. representatives at the upcoming meeting of the Antarctic Treaty negotiators to carry out the intentions of legislation introduced last year by myself and the Honorable Silvio Conte, which calls for an indefinite halt to all mineral mining in Antarctica. Later this month, on April 22, Earth Day, members of the Antarctic Treaty Consultative parties will be meeting in Madrid, Spain, to finalize the negotiations on a new environmental Protocol to the Antarctic Treaty.

The concurrent resolution which we are submitting today urges the U.S. negotiating team to follow the directive of Congress last year to provide comprehensive environmental protection of Antarctica and prohibit commercial mining development on the continent. These measures, Public Law 101-594 introduced by the late Honorable Silvio Conte and myself and Public Law 101-620 introduced by Senator GORE and Congressman OWENS, direct the United States to pursue an indefinite prohibition on all mineral exploration and development and to reject the Convention on the Regulation of Antarctic Mineral Resource Activities [CRAMRA], because it does not guarantee protection to the fragile Antarctic environment.

What would be more fitting to the memory of our great friend, Sil Conte, than to honor him for his work on the environment by having our negotiators push for the effort Sil Conte worked on tirelessly over the past few years. What is now the law of our land should be the language of the new international treaty on Antarctica.

Mr. President I am very concerned at reports I have been hearing out of the State Department that at the upcoming Antarctic Treaty meeting, the U.S. negotiators have been directed to pursue a policy which would ultimately result in the opening up of Antarctica for mineral mining explorations and development. This could not be further from the intentions of Congress when we passed the two laws last year and we hope the President recognizes the meaning of the legislation that he signed into law last fall.

It is my understanding that despite the clear mandate of the Kerry-Conte law negotiators have been told to support a ban on mining that would last only 20 to 40 years. Our law calls on the Secretary of State to negotiate a new agreement for Antarctica that would "prohibit or ban indefinitely" mining activities. I discussed this issue at length last year with the State Department and made it clear then that 20 to

40 years does not constitute an indefinite ban. By introducing this resolution we are attempting to remind the administration of the support that exists in Congress for a long-term ban on mining of at least 99 years, and the support for a more comprehensive environmental shield over the continent.

Our resolution urges an indefinite ban on the mining issue unless a consensus is reached among the parties to the treaty to modify the treaty in a way that would provide comprehensive environmental protection to the area. There is no doubt in my mind that this is a fair and equitable approach to address the issue.

Mr. President, the Antarctic ecosystem is precious and fragile and it is imperative that we negotiate a treaty that will protect it from any future development which may be hazardous to its long-term health.

Equally important to the minerals prohibition, is the rejection of CRAMRA. It is my understanding that the State Department plans to push for an agreement that would permit CRAMRA to enter into force after a time limited prohibition on mining. Congress was totally clear on its rejection of CRAMRA last year, and the State Department is clearly violating our intention if it pushes for CRAMRA. To date several other treaty nations have already dismissed CRAMRA and I urge the U.S. negotiators to follow the lead of countries like France, Australia, and New Zealand on this matter.

Mr. President, Antarctica is precious for many reasons. Chief among them, however, is its near pristine wilderness which serves as a perfect laboratory for studying global warming trends. Many scientists believe that development is likely to cause ice caps to melt, which would not only cause sea levels to rise, but would also reduce the ocean's capacity to absorb carbon dioxide—one of the main greenhouse gases. Altering this ability of our ocean to absorb CO₂ is clearly counterproductive to the findings in the report issued yesterday by the National Academy of Science on global warming trends. If the Antarctic environment gets sullied, we will lose a perfect testing ground for measuring global change and other critical scientific issues.

In closing Mr. President, let me reiterate my belief that the upcoming meeting in Madrid provides the United States with a great opportunity to take a leadership role in the protection of Antarctica and I urge the negotiators to put forth a strong position which reflects the laws passed by Congress last year.●

SENATE CONCURRENT RESOLUTION 27—URGING THE ARAB LEAGUE TO TERMINATE ITS BOYCOTT AGAINST ISRAEL

Mr. LAUTENBERG (for himself and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 27

Whereas since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

Whereas since the early 1950's the Arab League has maintained a secondary and tertiary boycott against Israel, preventing Arab countries from doing business with third parties that trade with or invest in Israel;

Whereas the boycott seeks to coerce American firms by blacklisting those that do business with Israel;

Whereas Arab countries submitted 12,668 boycott-related requests to American firms in fiscal year 1989;

Whereas the boycott causes economic damage and isolation to Israel;

Whereas many American firms may be denied contracts by the Kuwaiti Government because they conduct business with Israel;

Whereas the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

Whereas two of the anti-Iraq coalition partners, Saudi Arabia and Kuwait, refuse to renounce the Arab boycott in the wake of a war in which Americans sacrificed their lives to ensure the independence and security of those nations;

Whereas Syria, another anti-Iraq coalition partner, continues to implement the Arab boycott and the Arab League's Central Boycott Office has been located in Damascus since 1951;

Whereas, Arab League countries refuse to accept passports from United States diplomats and citizens if they have an Israeli entrance stamp;

Whereas the Arab boycott against Israel greatly hinders the Middle East peace process and regional stability, to which this country is committed; and

Whereas the lifting of the Arab boycott against Israel would provide a gesture of good faith and represent a confidence-building measure between the Arab States and Israel, greatly enhancing the prospects for an Arab-Israeli peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Arab League should immediately terminate the primary, secondary, and tertiary boycott against Israel; and

(2) the President should—

(A) vigorously encourage Arab League countries to terminate the primary, secondary, and tertiary boycott against Israel, including a reversal of the longstanding policy of not accepting passports with an Israeli entrance stamp, as a confidence-building measure; and

(B) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

● Mr. LAUTENBERG. Mr. President, I rise to submit a concurrent resolution calling for an end to the Arab League boycott of Israel and companies that

do business with Israel. I am pleased that Senator HATCH is joining me in introducing this resolution.

The Arab League has maintained a primary economic boycott against Israel since 1948, refusing to do business with any individual or business in that country. Since the early 1950's, the Arab League has maintained a secondary and tertiary boycott against Israel and her trading partners. Under the terms of the secondary boycott, the Arab League demands companies worldwide to refrain from trading with or investing in Israel. If a company does trade with Israel, it is blacklisted by the Arab League. Arab League countries will not trade with any blacklisted company. They also will not trade with any company that does business with a blacklisted company. This is known as the tertiary boycott.

The Arab boycott doesn't hurt only Israel. It harms America as well. Longstanding U.S. policy on the boycott has been clear. We don't accept it. We won't stand by and let American firms be threatened and coerced. We won't tolerate or cooperate with these outrageous barriers to trade. That's why U.S. law bars American companies from providing certain information to Arab countries to demonstrate compliance with the boycott.

America's Arab coalition partners in the gulf war must move quickly to end the boycott against Israel and companies that trade with Israel. American soldiers sacrificed their lives to protect the independence and security of Saudi Arabia and Kuwait. After all that America has done for them, these countries continue to wage economic war against American business. American companies that trade with Israel may even be denied contracts by the Government of Kuwait—a government that exists today because Americans fought to restore it. Syria, another anti-Iraq coalition partner, also shows no sign of changing its policy on the boycott and is the home of the Arab League's Central Boycott Office.

Mr. President, Israel and its friends in America and around the world are isolated not only economically, but politically as well. Our Arab League coalition partners must finally reverse their policy of political isolation. They must be encouraged to reverse their longstanding policy of denying entrance visas for visitors if they have an Israeli entrance stamp in their passport.

Because of this outdated policy, I had to be issued an entirely new diplomatic passport by the State Department before I could get a visa from the Saudi Arabian and Kuwaiti Governments for a recent trip to the Middle East. My existing diplomatic passport had an Israeli entrance stamp from a previous visit to Israel and I would have been denied entrance if I tried to use it.

It was the height of absurdity that the Governments of Saudi Arabia and Kuwait were prepared to refuse a United States Senator a visa for a congressional delegation visit because his diplomatic passport had an Israeli entrance stamp. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers prepared to fight to restore security in the region are welcome. But, Americans who have ever visited Israel are not. Would the Saudis and Kuwaitis have denied an American soldier entry if he or she had visited Israel?

This policy is a sad reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. The policy is an impediment to peace and must be reversed. I wrote to Secretary Baker urging him to lodge a formal complaint about the visa matter with the Governments of Saudi Arabia and Kuwait and to place it high on the agenda as the United States continues to search for ways to bring peace to the Middle East.

I also raised it personally on a recent trip to Egypt, where I had the opportunity to meet with President Hosni Mubarak and Egyptian Foreign Minister Ahmed Esmat Abdel Meguid, who was nominated by Mubarak to be head of the Arab League. In my meetings, I called on President Mubarak and Foreign Minister Meguid to ask the Arab League to repeal the economic boycott against Israel and her trading partners. I called on them to seek a reversal of the longstanding policy of rejecting anyone who shows evidence of even visiting Israel.

Mr. President, the time has come for the Arab League countries—particularly our coalition allies—to end their economic boycott of Israel and companies that do business with Israel. The time has come to stop isolating Israel politically. Lifting the boycott against Israel and her trading partners would provide an important gesture of good faith and a critical confidence building measure between the Arab States and Israel. It would be a positive first step toward the goal of achieving a longlasting Arab-Israeli peace.

The resolution we introduce today seeks to move the Arab League countries in that direction. It calls on the Arab League to immediately terminate the primary, secondary, and tertiary boycott against Israel and companies that do business with Israel. It calls on the President to vigorously encourage Arab League countries to terminate the economic boycott against Israel and those who trade with Israel, and to end its policy of rejection of anyone who shows evidence of even visiting Israel. And, it calls on the President to encourage our allies and trading partners to enact laws prohibiting businesses from complying with the boy-

cott and penalizing companies that do comply.

Mr. President, if Arab countries and the Arab League agreed to reverse this policy, it would be a positive step toward recognizing Israel's right to exist. It would give hope to the Israelis that her neighbors are serious about acknowledging her permanence. It would bring hope to many that Arab nations will one day formally end their state of war with Israel and enter direct negotiations for peace agreements with that country. I urge my colleagues to support this resolution. •

SENATE RESOLUTION 97—RELATIVE TO THE DEATH OF JOHN GOODWIN TOWER, A FORMER SENATOR FROM THE STATE OF TEXAS

Mr. GRAMM (for himself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1985;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf War;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

Resolved, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian;

That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator; and

That when the Senate recesses today, it recess as a further mark of respect to the memory of former Senator John Tower.

SENATE RESOLUTION 98—RELATIVE TO OIL IMPORT FEES

Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. BRADLEY, Mr. LAUTENBERG, Mr. COHEN, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. RUDMAN, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 98

Whereas a fee on imported crude oil and refined petroleum products, whether in the form of a levy for general revenues, a levy to fund specific programs, or an in-kind storage requirement of a percentage of imported crude oil and refined petroleum products, and whether fixed or variable, would directly increase the costs of production and manufacturing for industries that use petroleum products;

Whereas the increased production costs resulting from such a fee, levy, or diversion

would impair the ability of industries to compete in international markets;

Whereas such a fee, levy, or diversion would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes and those who use electricity generated from oil; and

Whereas the increased costs to industry and to homeowners from such a fee, levy, or diversion would not be uniformly distributed among geographic regions or economic sectors, but would be borne disproportionately by the regions and economic sectors that are most dependent on petroleum products: Now, therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose fees, levies, or diversion requirements on imported crude oil and refined petroleum products.

Mr. PELL. Mr. President, I speak today on behalf of myself and Senators CHAFEE, KENNEDY, KERRY, DODD, COHEN, LAUTENBERG, BRADLEY, and JEFFORDS to introduce a Senate resolution expressing disapproval of an import fee or levy on imported crude oil or refined petroleum products. I do so because although Congress has rejected the concept of an oil import fee on various occasions in the past, proposals have surfaced once again which, albeit in different language, call for what is essentially an oil import fee.

One such proposal calls for the imposition of an oil security premium on imported crude oil and refined petroleum products. This proposal would require importers to provide the U.S. Government free of charge a portion of the crude oil and refined oil products brought into this country. The Government would in turn use this oil for the purposes of increasing the amount of oil in the strategic petroleum reserve with a target of adding some 220,000 barrels per day. The effect of this oil security premium, however, would be to impose an oil import fee, payable in oil rather than dollars, at a level of approximately between 9 and 10 percent of the value of the crude oil and refined petroleum products brought into this country.

Mr. President, as we finally begin to address America's long-neglected need for a comprehensive national energy policy, it is important that we develop precisely that—a national energy policy and not one that either adversely affects or unfairly benefits certain regions of this country more than others. Unfortunately, an oil import fee, or as in this case, an in-kind storage requirement of imported petroleum, does just that. It adversely affects oil-consuming regions of the country, in particular New England and the upper Midwest, and provides a subsidy to oil-producing regions at the expense of consumers nationwide. While the goals of energy security and increasing the strategic petroleum reserve are laudable, using the oil security premium as a mechanism to achieve these goals is patently

unfair as well as costly to taxpayers and consumers alike.

I would like to point out some of the basic objections to the concept of an oil import fee or in-kind storage requirement. First, such a levy would impose an added cost on all U.S. manufacturers who use oil and would place U.S. industry at a disadvantage in competing with other countries. In this time of recession, American industry can ill afford any additional burden on its manufacturing competitiveness.

Second, such a levy would place an unfair economic burden on those regions of the country that are particularly dependent on oil for heating, industrial processes, and electric power generation. In some States in these regions, and in particular the Northeast, oil accounts for nearly two-thirds of total energy consumption compared with a national average of 40 per cent. For workers, homeowners, and businesses in States heavily dependent on oil for energy, many of which are currently in the midst of a severe economic downturn, an oil import levy would spell economic disaster.

Third, such a levy would provide a subsidy to oil-producing States, six of which produce over 70 percent of this country's oil, at the expense of the oil consumer nationwide who would face higher gasoline, home heating, and consumer product costs as a result of its imposition.

Fourth, such an import levy would hurt friendly nations such as Mexico, Canada, and Venezuela that have been reliable and secure suppliers of oil and some of whom already face international debt problems.

Finally, as a financing mechanism for increasing the strategic petroleum reserve, an in-kind storage requirement of imported petroleum is hardly cost-effective. Using the latest U.S. Department of Energy estimates, the eventual cost to the consumer of this proposal to increase the amount of oil in the strategic petroleum reserve would be over \$40 per barrel. Simply hiding this cost behind the guise of an in-kind storage requirement of imported crude will do nothing for the consumers and industries of this country that will be adversely affected.

In conclusion, I would like to say that for these and other reasons, Congress has resisted oil import fees in the past. This time around, Congress is being presented with a slightly different proposal than a direct import fee but make no mistake about it, the effect of the oil security premium as I outlined earlier would be precisely the same as an oil import fee. Notwithstanding the need for a comprehensive national energy policy and, in particular, an adequately stocked strategic petroleum reserve, this oil security premium is not the means by which these should be achieved. Moreover, while such policy is unfair and costly in the

best of economic times, it is especially dangerous in this time of recession when industries and consumers are being pressed to their limits.

Accordingly, I urge my colleagues to support this resolution and join me in working to eliminate the imposition of any kind of fee or levy on imported crude oil or refined petroleum products.

SENATE RESOLUTION 99—CONCERNING THE PROTECTION OF REFUGEES IN IRAQ

Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. LEAHY, Mr. SANFORD, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, Mr. CRANSTON, and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to.

S. RES. 99

Whereas Kurds, Shi'ites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991 adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees: Now, therefore, be it hereby

Resolved by the Senate, That the Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq; The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its

repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

SENATE RESOLUTION 100—COMMENDING DUKE UNIVERSITY FOR WINNING THE 1991 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. SANFORD (for himself, Mr. HELMS, and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 100

Whereas, for the first time in the history of the university, the Duke University Blue Devils won the National Collegiate Athletic Association Men's Basketball Championship; and

Whereas Duke University has consistently maintained one of the top basketball programs in the country; and

Whereas the Duke Blue Devils have reached the NCAA Final Four nine times, and the current head coach Mike Krzyzewski and his staff have led the Blue Devils to the Final Four five out of the last six years; and

Whereas Coach Krzyzewski holds the highest winning percentage among active coaches in the NCAA tournament with a 27 to 7 record; and

Whereas Coach Krzyzewski was also named NCAA Coach of the Year; and

Whereas the senior captains of the Duke basketball team became the first players to go to the NCAA Final Four each of their four years; and

Whereas three members of the Duke team made the NCAA All-Tournament team, one was named first team All-American, one honorable mention All-American, and one freshman All-American; and

Whereas the Blue Devils, before defeating Kansas in the final game, beat the University of Nevada-Las Vegas Running Rebels and ended their 45 game winning streak: Now, therefore, be it

Resolved, That the Senate commends the Duke University Blue Devils for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 101—AUTHORIZING TESTIMONY OF CERTAIN SENATE EMPLOYEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Whereas, in the case of United States v. Kim Peoples, No. M7711-90, pending in the Superior Court for the District of Columbia, the United States Attorney has caused subpoenas for testimony at trial to be served upon Frances Marcus and John Mashburn, employees in the office of Senator Jesse Helms;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under

the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Frances Marcus, John Mashburn, and any other Senate employee whose testimony may be necessary, are authorized to testify at the trial of United States v. Kim Peoples.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce a change in time for a hearing that has been scheduled on April 16, 1991, before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's Superconducting Super Collider Program.

The hearing will take place on Tuesday, April 16, 1991, at 2 p.m. instead of 9:30 a.m. as originally scheduled. It will be held in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that further hearings have been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 484, the Central Valley Project Improvement Act.

The first hearing will take place on Thursday, May 2, 1991, in Sacramento, CA. The exact time and location will be announced at a later date.

The second hearing will take place on Wednesday, May 8, 1991, beginning at 2 p.m., in room SD-366 of the Senate Dirksen Office Building, Washington, DC.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony

should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366 or Anne Svoboda at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 2:30 p.m. to hold a hearing on U.S. development assistance programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 2:30 p.m. to hold a hearing on issues relating to a bilateral free trade agreement with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on April 11, 1991 at 9 a.m. to hold a hearing on below cost timber sales and forestry management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 10 a.m. to hold a hearing on the effects of the continued diplomatic stalemate in Cambodia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on

April 11, 1991, at 1:30 p.m. on S. 218, Emerging Telecommunications Technologies Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 2 p.m., April 11, 1991, to receive testimony on S. 343, a bill to provide for continued U.S. leadership in high performance computing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 11, 1991, at 10 a.m., for a hearing on "Reauthorization of the Higher Education Act: Secretary of Education Lamar Alexander."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, April 11, 1991, at 2:30 p.m., to receive testimony on U.S. military strategy and its relationship to the fiscal years 1992-93 national defense authorization request and the fiscal years 1992-97 Future Year Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on April 11, 1991, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on April 11, 1991, at 1:30 p.m., to hold a hearing on Patents and Trademark Office authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 11, 1991, at 2 p.m.,

to hold a hearing on "The Environmental Consequences of the Drug Epidemic."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WEST VIRGINIAN RAE MCKEE 1991 TEACHER OF THE YEAR

• Mr. ROCKEFELLER. Mr. President, I am proud to take a moment to congratulate an extraordinary West Virginia teacher, Rae Ellen McKee.

Rae McKee is a remedial reading teacher at Slanesville Elementary School in Hampshire County, WV. This is a chapter I school in a very rural county of my State. But its students are lucky because they are taught by Rae, a dedicated and inspiring teacher.

This week, Rae was selected as the 1991 "National Teacher of the Year." Yesterday, President Bush and Education Secretary Alexander were in West Virginia to visit Slanesville Elementary School and to honor Rae McKee.

It is an honor she truly deserves. Rae is committed to the profession of teaching and comes from a family of educators. She has taught for 11 years, and I know she has encouraged many West Virginia children. By teaching them to read, Rae has been able to open the window of opportunity for her students.

In the Senate, we talk a great deal about improving education and I am committed to this vital goal. Federal support for chapter I, handicapped education, literacy programs and all of our educational initiatives are essential. But the role of teachers is unique. Each of us remembers a special teacher who exposed us to the joys of reading, or unraveled the mysteries of mathematics, during our elementary school years.

Teachers, like Rae McKee, inspire children to learn and develop to their full potential. I am proud that Rae and West Virginia will be honored by the National Teacher of the Year Program. Throughout the next year, Rae will be an eloquent speaker on behalf of education and she will carry an important message across our country.

It was a pleasure to meet Rae earlier this year, and I was enormously impressed by her enthusiasm and commitment. I was also touched by her modesty and wisdom. I want to share some of her thoughts on education. In a West Virginia interview in February about this national program, Rae said, "My only regret is that the people I work with can't be recognized because they all deserve it. It's a shame that one person has to be singled out, because the education of children can never be an individual effort."

I agree with Rae McKee. Dedicated teachers in West Virginia and around the country deserve our admiration and support. By honoring Rae, we honor the teaching profession. Rae is also right that many people are involved in the education of a child. Teachers are the leaders in the classroom, but parents, neighbors and every one in the community can—and should—contribute to the education of our next generation. Rae McKee will be an inspiring example for all of us.

GLASGOW, KY

• Mr. MCCONNELL. Mr. President, I rise today to recognize a unique Kentucky town called Glasgow.

But where in the world is Glasgow? It is an hour and a half equidistant between Louisville and Nashville. East of Bowling Green. South of Elizabethtown. West of Campbellsville. And just north of Tompkinsville. To quote Assistant Principal Jim Nelson:

We're an hour and a half from either center for the arts, but we're far enough away to be insulated from some of the grime and crime that we read about.

In addition to its geographical singularity, Glasgow boasts many of Kentucky's firsts. Approximately 72,000 head of cattle graze the Glasgow area farmland. The city is also the home of the State's largest Wal-Mart, best-managed school system, the 1968 State high school basketball championship, the State's largest producer of hay and milk, and one of the Nation's 10 safest cities.

Even with all of these reasons to be proud, there are still a few complaints here and there. Perhaps those concerns are best addressed by Sandie Claywell, a Glasgow native who studies elementary education at the Western Kentucky University extension campus there.

I think the problem is a lot of people who're not from Glasgow take Glasgow too seriously . . . I hear people say it doesn't offer everything. It's got everything I want.

What else does Glasgow offer? Surprisingly, an impressive cable television system. With competition brewing between two cable television operators, Glasgow cable viewers can get more for \$9 than they can for \$20 in Louisville.

Mr. President, I salute this Kentucky town with character, achievements, and an excitement all its own. And I ask that the text of the attached Courier-Journal article be inserted in the RECORD.

The articles follow:

GLASGOW

POPULATION, 1990

Glasgow, 12,351.
Barren County, 34,001.

BIG JOBS

Manufacturing, 4,437 employees.
Wholesale/retail, 2,708.
Services, 2,104.

State/local government, 1,349.

Contract construction, 981.

BARREN COUNTY PER CAPITA INCOME, 1988
\$11,230 or \$1,582 below the state average.

EDUCATION

Public School Systems: Glasgow Independent (2,284 students); Barren County (3,171 students); Caverna Independent (1,050 students from two counties) Colleges: Western Kentucky University-Glasgow (951 students) Largest vocational school: Barren County Area Vocational Education Center (average enrollment 460).

MEDIA

Newspapers: Glasgow Daily Times (daily except Saturday); Barren County Progress (weekly); Glasgow Republican (weekly) Radio: WCDS (country); WCLU (rock-era oldies); WHHT (rock); WOVO (rock); WPXR (country) Television: Cable offerings include stations from Louisville, Bowling Green, Campbellsville and Nashville, plus "superstations" from Atlanta, Chicago and New York.

TRANSPORTATION

Air: Moore Field (one 4,000-foot runway); Nearest scheduled airline service: Nashville International Airport, 79 miles.

Rail: CSX, Truck: 26 truck lines serve Glasgow.

Water: No commercial river traffic.

LARGEST COMPANIES, 1991

R.R. Connelley & Sons (magazine printers), 1,400 employees.
Eaton Corp. (axles) 700 employees.
SKF USA (bearings) 333 employees.
Aerovox M (electrolytic capacitors) 300 employees.

TOPOGRAPHY

Rolling, rolling, rolling. The land looks like waves of earth.

FAMOUS FACTS AND FIGURES

Glasgow has the biggest Wal-Mart in Kentucky, at more than 110,000 square feet.

Every Esquire, Town and Country, Bazaar, and Sassy magazine is printed in Glasgow, at R.R. Donnelley & Sons, an outfit so big the U.S. Postal Service has its own shop there.

Famous Folks from Glasgow: Bandleader Billy Vaughn, journalists Diane Sawyer and Arthur Krock, NBC chairman Julian Goodman, Gov. Louie Nunn.

Barren County has more registered farm trucks than any other country in the state (2,669 in 1988)—and 2.11 cows for every person (more cattle than any other Kentucky county.)

Glasgow had Kentucky's first black mayor, Luska Twyman, who served from 1968-85.

Preston Hopkins Leslie of Glasgow was governor of two States—Kentucky, from 1871-75, and Montana, while it was still a territory, from 1887-89.

COWS, FACTORIES AND CABLE VIEWERS ALL DO BETTER THAN THAT FRENCH RESTAURANT WITH THE CORKING FEE

(By C Ray Hall)

The first white settlers here saw vast, treeless stretches and called them "barrens," as if nothing would ever grow there. Perhaps it was such dim prospects that caused two of the very first settlers to open taverns.

As it turned out, though, just about everything will grow here—from trees to tobacco to factories, which dot the rolling hillsides. About the only thing that won't grow is taverns. Too dry.

Pollution? Not much, unless you count methane from cow belches. Barren County

has about 72,000 cattle—more than any other county in Kentucky. It produces more hay and milk than anywhere else in the state. And as to a nod to city slickers, Glasgow produces every Esquire, Bazaar, Town and Country and Car and Driver magazine in the world. (Plus 115 others at the R. R. Donnelley and Sons plant.)

It seems a year can't go by without folks here discovering they've been declared No. 1 in something else. Many towns claim to have the biggest Wal-Mart in the state; Glasgow really does. A couple of years back, the Glasgow school system was cited as the state's best-managed. Glasgow High won the state basketball championship in 1968. The Barren County cheerleaders won a couple of national championships in the '80s. A decade ago, Glasgow was declared one of the nation's 10 safest cities, based on crime figures compiled by the FBI.

"That's not to say we have no crime here," says the mayor, Charles Honeycutt. "We've had some very successful undercover drug operations that show that."

All in all, though, the place is just sort of overwhelming in its pleasantness, like a breeze blowing through honeysuckle. There's an industrial park that actually looks like a park. (And one that doesn't.) A long, stately stretch along South Green Street is somewhat like Lexington's Ashland Park, only with bigger yards and smaller mortgages.

Glasgow might be the only place in Kentucky where you could find the mayor wearing both a beard and a skirt. Charlie Honeycutt, below, dons a kilt for the Highland Games.

There aren't many places where you could lay down a marble without having it roll away and hit a cow or a factory, or somebody talking about making Glasgow more globally competitive. (A volume in the mayor's office: "Japanese Business Etiquette.")

Glasgow is probably the only place in Kentucky where you could find the mayor wearing both a beard and a skirt. The mayor dons his kilts for the Highland Games, a big late-spring festival that draws Scottish clans.

Honeycutt followed Luska Twyman into the mayor's office. Twyman, who served from 1968-85, was Kentucky's first black mayor. Both were high school principals. Honeycutt is also a former high school band director who played a bit with Billy Vaughn, one of several folks with Glasgow ties and national recognition.

"We have enough people like that to give us the confidence we can compete on a national level—and globally," says Jim Nelson, assistant principal at Glasgow High School. Like a lot of people, Nelson points out that Glasgow is about equidistant between Louisville and Nashville. "We're an hour and a half from either center for the arts," he says, "but we're far enough away to be insulated from some of the grime and crime that we read about."

Glasgow's crime-free, grime-free town square has the requisite courthouse with white clock and Confederate statue, and locals who lane-hop in eerie slow motion.

All in all, it's a place that values peace and harmony so much that it's not unusual for a church to take 18 months to hire a preacher.

This is why it's surprising, perhaps, when a preacher breaches the peace. The gadfly in the ointment that otherwise soothes Glasgow's self-image is Father Daniel Sheehan, a 68-year-old priest at St. Helen's, a Catholic church built with fieldstones supposedly carried by parish women in their aprons. Sheehan wishes Glasgow's wealthier folks would take up the burden of the poor, like those women carrying stones in their aprons.

Relief agencies, including his own church's fund for the poor, he says, are "overwhelmed."

Within 15 minutes, two people knocked at the priest's door. One was a woman who had been laid off from her job asking for help with her light bill. "It's a lot," she said, "\$167." She had a shut-off notice. So did the old man who stopped by minutes later.

Unemployment, which was in double digits in the mid-1980s, dipped to 4.6 percent last November. But it's headed up, apparently, with two plant closings expected to cost upwards of 300 jobs.

One retreat from such disheartening consideration is a corner of the town square occupied by the George J. Ellis Drug Store, where coffee is the social lubricant, George J. doesn't dispense here anymore. Tom Holmes, who bought him out in '63, does.

"I was looking for a place to get into debt," Holmes says. "And this worked out fine."

It's not just a drug store. It's not just a restaurant that starts serving before sunup. It's not just a place where you can snatch a volume of The American Encyclopedia off the shelf next to the canned corn and Ajax cleanser. It's a social center where the fatal mistake is taking yourself seriously.

"You gotta be thick-skinned in here," says Les Settle, the city clerk. "If you bleed easily, you better not come in."

For example: A townsman somewhat shy of teeth took note of an undertaker's ring one day and cracked, "D'you get that off one of your customers?"

"No," the undertaker deadpanned, "but I got some teeth for you."

Holmes is a gnomelike presence who always seems to be enjoying a private joke. Maybe he is.

"I wouldn't come in here if I didn't have to work here," he grumps. "And I wouldn't blame other people if they didn't come in."

Faced by such Tom Sawyerian logic, they come in droves, naturally. They spend a lot of time matching coins for coffee. One unlucky soul recently had to pick up the tab for 13 coffee drinkers.

Across the square, at Bernards clothing store, the humor is kinder and gentler. Father John Agapito, a young priest, entered.

"What can I do you for?" asked Berky Sloan, the owner.

"Coupla pair of pants."

"Black?"

Sloan's store, which has been there 55 years, is one of many holdouts on the square, resisting the lure of the suburban strip. Some people think it'll be swell if the proposed coast-to-coast highway, I-66, snuggles up to Glasgow along the Cumberland Parkway. Sloan isn't so sure.

"I think one of the worst things we ever did was building the Cumberland Parkway," he says. "It just made it easier for everybody to get to Bowling Green. . . . People, when they have a little extra money to spend, local's not good enough. They've got to go to Bowling Green or Nashville."

Or to The Biggest Wal-Mart in the State, Sloan calls it "The Forbidden City," not just because of its vastness ("It takes you 15 minutes to go through there") but because of its voracity. ("They put out three drug stores and two dime stores. The next thing they're working on is tire stores.")

Wal-Mart even put itself out. Across the bypass from the gleaming new Wal-Mart is the old one, an empty monument to consumption.

Glasgow had another monument to consumption—a French restaurant called

L'Auberge du Champs. In 1983, it opened across from the airport with great fanfare. Ultimately, it had more fare than fans. Everybody called it "that French restaurant."

"It didn't do well because it intimidated everybody," says Kim Pryor, a banker. Her mother, Jill Bailey, a music teacher, recalls a trip with a friend: "We took a \$3 bottle of wine out there and they charged us \$5 to unscrew the lid. Corking fee. . . . The maitre d', what was his name Henri? He was pretty slick. But country people. . . ."

The latest incarnation at "that French restaurant" is the Beaver Creek Inn, which opened March 1. The owners, Glenn and Marg Henderson, used to run The Feed Shed, a popular place over at Marrowbone. Despite its location next to the volunteer fire department, The Feed Shed burned. Something about a barbecue pit run amok.

For Glasgow folks, who generally brag about only one other restaurant, Bolton's Landing, the Beaver Creek Inn may be just what the country doctor ordered. Servers bring big bowls and platters of home-cooked meals to your table for what Henri would call prix fixe. The prix is fixed at \$10.95. Which is pretty cheap by the hour.

"If they want to sit there and eat two hours," says Marg Henderson, "we'll keep bringing the stuff to them."

Everybody has a bottom line on Glasgow's French flirtation. Some see a larger lesson. Sandie Claywell, who is studying elementary education at the Glasgow campus of Western Kentucky University, says, "I think the problem is a lot of people who're not from Glasgow take Glasgow too seriously. . . . I hear people say it doesn't offer this or it doesn't offer that. Small towns weren't meant to offer everything. It's got everything I want."

Especially since Western Kentucky University came to town three years ago with its extension campus, which now has 951 students. It's gotten so big and, presumably, impersonal that some computer entrepreneurs have put together listings to help students "find your 10 most compatible people."

One astonishing thing Glasgow offers: an impressive cable-TV system. Competition seems to be the culprit. A couple of years back, Glasgow's Electric Plant Board fired up its own cable operation. TeleScripps, the entrenched system, responded by doubling its channels and cutting its prices by a third. In Glasgow, cable viewers can get more for \$9 than they can for \$20 in Louisville.

Glasgow wears down the resistance of even the most recalcitrant newcomers, Don Doty, a Tennessee native and plant manager at Eaton Corp., explains:

"When they first come, anything that they were used to having . . . that they don't find here, why, they'll bitch about that. 'You can't get a drink here.'"

"There's nothing to do."

"I think the cycle usually goes, the first year they bitch about all these things. The second year, it's quiet and leveled out. And then after that the only time you hear any bitching is when they get transferred out." ♦

HOW ABOUT PUERTO RICO'S SELF-DETERMINATION?

• Mr. SIMON. Mr. President, one of the great mistakes that has been made by a Senate committee was made recently when one of our committees declined to pass out Senator BENNETT JOHNSTON's bill providing the people of

Puerto Rico with the right to vote for self-determination.

It is a decision that must be reversed. We cannot say that we are for self-determination around the world but not for the people of Puerto Rico.

Two letters to the editor appeared in the New York Times that I think would be of interest to our colleagues. One was written by Mr. Lester Aponte-Parsi of Los Angeles, and the other was written by Mr. Kenneth G. Gruber of Puerto Rico.

The letters are of interest, also, because Mr. Lester Aponte-Parsi, with at least a part-Hispanic name, comes from Los Angeles, while Kenneth Gruber, with a name that is obviously of Germanic background, comes from Puerto Rico.

I urge my colleagues to read these two letters if they did not see them when they appeared in the New York Times.

The letters follow:

HOW ABOUT PUERTO RICO'S SELF-DETERMINATION?

TO THE EDITOR: The Senate's failure to act on Senator J. Bennett Johnston's referendum bill for Puerto Rico is shameful ("America's Captive Nation," editorial, Feb. 22). When Puerto Rico was invaded by United States forces in 1898, their commander, Gen. Nelson A. Miles, proclaimed that those forces had come to "bring the blessings of liberty and democracy" to "a people who have long been oppressed."

On numerous occasions, the White House and Congress have proclaimed a commitment to Puerto Rico's right to self-determination. A joint resolution of Congress passed Aug. 3, 1979, expressed Congress's "commitment to respect and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process."

Is Congress now saying all men are created equal except those whose culture does not blend? The thousands of Puerto Ricans serving in the Persian Gulf may do well to ask what they were fighting for. If this country is willing to fight for Kuwait's right to self-determination, why is it not willing to afford its own citizens the same right?

LESTER APONTE-PARSI,
President, Southern Calif. Chapter, National Committee for Puerto Rican Statehood, Los Angeles, March 4, 1991.

HIDDEN WEALTH

TO THE EDITOR: As a former New Yorker who lives in Puerto Rico, I believe Tom Wicker's Feb. 9 column on statehood for Puerto Rico lacked basic facts about its political and social situation. I will discuss but one of his premises.

Mr. Wicker writes of the relatively low per capita income in Puerto Rico compared with the rest of the United States. There is poverty in Puerto Rico, though perhaps (since our total population is only three million) not so much as in New York City. Even by the official statistics, Puerto Rico has the highest per capita income in Latin America (that is, third behind the United States and Canada for the Western Hemisphere).

Mr. Wicker also describes Puerto Rico as the most important market for United States exports in Latin America, buying more goods than Argentina, Brazil and Chile combined. If three million Puerto Ricans im-

port more United States products than 200 million people in South America (even given the high level of poverty in South America), there may be a problem with the per capita income statistic for Puerto Rico.

Few "mainlanders" know of the tax situation in Puerto Rico, which could contribute to this potential contradiction. Residents of Puerto Rico do not pay Federal taxes, but do pay a local income tax administered by the Commonwealth. It is well known that there is massive tax fraud in Puerto Rico. As an example, the average income for physicians or lawyers is \$20,000 to \$30,000 a year. This statistic was recently rejected by a jury in a Federal Court suit, and a figure closer to \$150,000 a year was used to calculate a judgment. Similar disparities almost certainly exist.

In the United States, having a reported income disproportionate to your life style or the average income of your profession is a guaranteed way of producing an Internal Revenue Service investigation. This is not so in Puerto Rico.

Anyone who visits Puerto Rico and sees high-rise apartments and housing developments being built and sold at prices from \$150,000 to \$500,000 would be hard pressed to think this island has an economy vastly weaker than Mississippi's. This is to say nothing of the many Mercedeses, BMW's and other luxury cars commonly seen on our roads.

Another interesting statistic is that the highest-grossing stores in the Sears and J.C. Penney chains are in Puerto Rico. This is not a statistic you would associate with an economically depressing region.

There are also legal ways to defer a much larger percent of your total income in Puerto Rico than under I.R.S. regulations. For example, when I worked on the mainland, my ability to defer income was limited to a relatively small percent, while at my job in Puerto Rico I can defer up to 100 percent of my income. Thus, comparing per capita income figures calculated under two tax codes is mixing apples and oranges.

A more objective approach to the economic strength of Puerto Rico might be to calculate the per capita consumption of retail goods and services sold on the island, and compare this with other regions of the United States. You might find we are not so far from the rest of the United States as the per capita income figure would suggest.

KENNETH A. GRUBER,
Condado, P.R., March 1, 1991.●

TRIBUTE TO HARRY "BUD" SMITH

● Mr. REID. Mr. President, I rise today to honor Harry E. Smith, known to his friends as "Bud."

Bud has always served as an example to those around him. The kind of commitment to hard work, family and community Bud has demonstrated throughout his life is what made our country great.

Bud graduated from Sparks High School in 1931 and went to work for the Southern Pacific Railroad. He retired in 1975.

He married his wife, Dorothy, on October 28, 1935. Together, they raised four children. And, today, they have been married more than half a century.

Bud has been active in the Masonic orders of northern Nevada since 1942,

and has achieved the degree of master Mason.

He is also active in the Order of the Eastern Star and Kerak Shrine Temple.

Bud has passed on his love for community service to his sons and nephews. When they became old enough, he initiated them into the Masonic order.

Many old and young northern Nevadans have benefited from Bud's commitment to his community.

It is my privilege to honor him here on the Senate floor today.●

A TRIBUTE TO PAGOSA SPRINGS

● Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize the 100th birthday of one of Colorado's oldest and most interesting communities, the town of Pagosa Springs.

April 13 marks the 100th birthday of this remarkable town. Pagosa Springs is located at the base of the scenic San Juan Mountain range, and the residents have every reason to be proud of their town's unique western heritage and mountain splendor.

The Anasazi Indians, or "ancient ones," were among the first inhabitants of Archuleta County and present-day Pagosa Springs. The Anasazi cliff dwellers were followed by the Ute tribes, who revered the hot mineral springs of the area for spiritual and healing powers.

Spanish explorers and missionaries followed, and when the United States acquired this part of the Colorado territory after the 1848 War with Mexico, Fort Lewis was established as a military post to encourage settlers. The town of Pagosa Springs developed around Fort Lewis and was finally incorporated in 1891.

Today, visitors from around the world come to Pagosa Springs. Hunting, fishing, and outdoor recreational pursuits abound in this scenic part of the Colorado Rockies. For those interested in native American history, Pagosa Springs and the nearby Southern Ute Indian Reservation are very special locations. Some of the most beautiful pottery in North America is produced in this part of Colorado, and the archeological wonders of places like Chimney Rock are unique reminders of a spectacular native American culture that is centuries old.

Mr. President, I am pleased to join in wishing Pagosa Springs a very happy 100th birthday, and take pride in this special centennial celebration for one of Colorado's greatest communities.●

ARMS SALES HEAVEN

● Mr. SIMON. Mr. President, we should all be concerned by the constant stockpiling of arms by countries around the world, including the poor countries of the world.

Far too much money is spent on arms that end up destabilizing the world rather than meeting the needs of people.

Leslie H. Gelb had a column in the New York Times that summarizes the situation well. While it talks only about the Middle East, where our attention is focused right now, a similar column could be written about Central America and other regions of the world.

I hope the administration will apply a little greater rationality than has been shown up to this point, and I hope Congress can serve as a restraining force, though our record is not a good one.

At this point, I ask to insert the Leslie Gelb column into the RECORD.

The column follows:

ARMS SALES HEAVEN

Syria, Egypt, Iraq and Turkey each have more main battle tanks than Britain or France. Syria, Iraq and Egypt each fly nearly as many combat aircraft as Germany or France or Britain.

Egypt, Iran, Iraq, Kuwait, Libya, Saudi Arabia and Syria have purchased from abroad about \$125 billion in arms since 1983. This accounts for more than half the worldwide arms trade.

Why are they doing this? Can President Bush do anything to bring the situation under control?

These nations are not buying all those arms to fight for a Palestinian homeland. They treat Palestinians the way Americans treated Indians.

Nor do they arm themselves so heavily because they think Israel will grab their territory or oil. Not even the most paranoid Arab fears that.

There are two simple and powerful reasons for Mideast Muslims making their territories look more like arsenals than countries. First, most of them hate and distrust each other. They have killed hundreds of thousands of their brethren in wars over the last 40 years. Second, they hate Israel, and most would like to destroy it. Israel intruded into their established world and humiliated them in battle many times. Even today they know that Israel, itself an armed camp, could defeat any two of them simultaneously.

These Arab states and Iran have very little incentive to accept limits on their arms purchases. They live in constant fear that one of their Muslim brothers will gain the upper hand and attack. Also, stopping the arms race would guarantee Israel's continued superiority in military technology and its monopoly in nuclear weapons. Thus the arms race spirals upward and the wars become more terrible.

The arms exporters understand all this full well. But only on the rarest occasions have they denied arms requests from their oil suppliers. The industrialized world simply wants to keep the oil countries happy and buying arms to help offset the oil bills.

No one understands this mutual dependency better than the Mideast oil producers, who also know that oil money is their best weapon against Israel.

Israel cannot afford to compete with its neighbors in arms imports over the long run. It is already strapped with an enormous defense budget. That burden and the goal of keeping military superiority explain why Is-

rael now calls for sharp cuts in arms exports to the Middle East.

To manage these eye-crossing interests and maneuvers over arms, the Bush Administration has developed the following approach:

Ban sales of chemical, biological and nuclear arms and related know-how, and the long-range missiles capable of delivering such weapons.

(Reasonable, but many Mideast nations already have some of these capabilities. Also missile exporters—North Korea and China, for example—will not abide by limits.)

Consider setting limits on sales of aircraft, tanks, artillery and smart missiles, but in the meantime sell what buyers want—"to see to it that they're secure," as Defense Secretary Cheney put it.

(As long as other suppliers do not restrain their sales, there is no sense putting ourselves at a competitive disadvantage.)

Argue that Iraq's defeat has diminished the biggest threat to all and that all can now safely buy less.

(A solid tactic, but the Administration already expects a substantial increase in demand from the victors.)

Negotiate confidence-building measures like Arabs dropping their economic boycott against Israel and Israel providing better treatment for Palestinians.

(Sensible, but it will not reduce arms demands.)

Seek peace settlements between Arabs and Israel and between Israel and the Palestinians.

(An essential ingredient for eventual arms restraint on the Arab-Israeli front, but it does not deal with the inter-Arab quarrels, which also trigger demands for arms.)

CAN BUSH RESTRAIN THE MIDEAST?

The Administration's plan is practical and realistic. Too much so.

It is weighed down by business-as-usual realism. There seems nothing in it to exploit the death of the Soviet threat and the diminished value of Soviet arms sales. It contains little to suggest building on the victorious anti-Iraq coalition molded by Mr. Bush—or escaping the tragic history of Mideast arms races.

Mr. Bush is in a strong position to press other arms exporters for joint limits on sales and to link arms sales creatively with peace diplomacy. But to surmount this arms quagmire, he has to think bigger than his aides and put his new prestige on the line.●

LIONS CLUB AWARENESS WEEK

● Mr. BRADLEY. Mr. President, the month of April is Lions Club Awareness Month in New Jersey. I ask my colleagues to join me in saluting the Lions Club for enriching the quality of life in communities across the country.

The Lions Clubs are an integral part of our communities. For 70 years, the Lions Club of New Jersey have touched the lives of thousands of citizens. As society changes, the Lions Clubs have evolved to confront new challenges. In New Jersey, they work to fight drug abuse through drug education. And since they were founded, the Lions Club has pioneered the effort to help the visually impaired to live up to their full potential.

Comprised of members of the business community, Lions Club members

donate their time, energy and skills to help improve the lives of others. They answer the question, "What do I owe another human being?" with the most generous response. They deserve our respect and our gratitude as they mark 70 years of service and dedication.●

ANNIVERSARY OF INDEPENDENCE OF BYELORUSSIAN DEMOCRATIC REPUBLIC

● Mr. METZENBAUM. Mr. President, I join Byelorussians throughout the United States and the world in celebrating the 73d anniversary of the independence of the Byelorussian Democratic Republic. We recently marked this milestone on March 24, 1991.

In 1918, the Byelorussian people proclaimed their freedom and right to self-determination by declaring an independent Byelorussian Democratic Republic. Their aspirations for freedom have survived for over 70 years, and have endured the hardest of economic and political hardships.

As the people of Byelorussia continue to fight for cultural independence and political integrity, it is important to remember the vision and commitment which have preserved the democratic movement in Byelorussia.

It is especially important to remember that the people of Byelorussia continue to fight for democracy and freedom. The recent political turmoil in the Soviet Union and the repression of regional democratic movements have threatened Byelorussian independence. The scourge of totalitarian repression has silenced the cultural, religious, and ethnic identity of too many nations for too long. Byelorussians worldwide have refused to be silent.

I salute the proud people of Byelorussia on the anniversary of their declaration of independence, with the hope that their dream of freedom will soon be realized.●

TRIBUTE TO THURMAN PARSONS, RENO, NV.

● Mr. REID. Mr. President, I rise today to honor Thurman Parsons of Reno, NV. Thurman is the very essence of what makes our country great, a hard-working family man with a strong sense of community.

In 1920, at the age of 14, Thurman worked as a call boy for the Southern Pacific Railroad. Thurman retired from the Southern Pacific Railroad, 51 years later, having become the chief clerk of the freight office.

Thurman and his wife, Carol, had the pioneering spirit. When they built a home in South Reno, they had no running water. Chickens and rabbits ran in their yard. They worked hard, dug a well, and raised their children, Karen and Harry, in the dusty desert at the foot of the Sierras.

For most, this adventure would have been daunting. But not for Thurman. He felt he had been blessed and looked to share his gifts with his community.

Since 1945, Thurman has been active in the Masonic groups in northern Nevada, and has achieved the degree of master Mason. He is also active in the Order of the Eastern Star for the State of Nevada and has held the offices of worthy patron and grand sentinel. Thurman has also given his time to the Kerak Shrine Temple.

Many young and old northern Nevadans have benefited from Thurman's commitment to his community.

It is my privilege to honor him here on the Senate floor today.●

A GOOD STUDENT STRUGGLING

● Mr. SIMON. Mr. President; we have been hearing from many students who face serious problems because of the way student aid has slipped in this country.

It is a tragic loss of resources.

I am inserting at the end of this statement a statement made to our subcommittee at a hearing in Chicago by James M. Bromfield, a student at Illinois Institute of Technology.

You will see the struggle that he goes through. This is an above-average student.

When reading his statement, you can also see why so many fall through the cracks.

We simply cannot continue to tolerate this as a nation.

I ask to insert his statement into the RECORD, and I urge my colleagues to read it.

The statement follows:

TESTIMONY OF JAMES M. BROMFIELD

Thank you Senator Simon and members of the panel for giving me the opportunity to testify today. College financial aid is something that I feel very strongly about.

My name is Jim Bromfield. I'm a senior at Illinois Institute of Technology majoring in electrical engineering. I went to Bolingbrook High School in the suburbs of Chicago and did very well. I graduated 19th in a class of 423. I was in the honors track, and my grade-point average was 4.0 on a 4.0 scale. Without financial aid, I probably would not have been able to go to a four year university. My family income is between \$40,000 and \$50,000, and there are three children after me.

If I had not been able to get financial aid, I would have probably had to get a full-time job and attend junior college. As it is, I work at least 15 hours a week plus all summer. Financial aid has covered more than half of my education, but a good part of that aid has been loans. When I graduate in May, I will face the prospect of paying back debts totaling \$17-18,000.

When I started college, tuition was just below \$10,000. It's gone up about \$500-\$600 every year since. For four years, the total comes to something on the order of \$40-\$45,000—without housing. With housing, the total gets up to \$55-60,000.

IIT gave me a dean's scholarship for \$2,000 a year and, because of my grades, I was eligible for some financial aid through IIT en-

dowed scholarships. I was also an Illinois State Scholar. That probably was the biggest help.

My first two years I also received federal money from the Pell Grant. The first year, it was \$1,850. But the next year it was decreased to \$650.

My junior year and senior years, I didn't get a Pell Grant. It was especially scary this year because the Illinois Student Assistance Commission initially told me that I was not eligible for any money from the state either. I wasn't sure what to do at that point because there was no way that my parents could help out. Paying for school has been my responsibility and will continue to be my responsibility after I graduate.

My freshman year, about \$4,000 of my financial aid was a loan. It was about the same for my sophomore year. My junior year loan jumped to about \$5,000. This year, I could only get \$4,000 in loans. But because my housing and tuition expenses increased and my grants and loans did not, I am looking into other loan sources.

I'm not the only one who has a problem like this. Two of my fraternity brothers were ready to drop out of school because they didn't have the money. They were good students and they wanted to get their degrees. It was strictly an issue of finances.

I know I'm going to make it, but it's been a headache and something that's been on my mind. A lot of time and energy has been devoted to worrying about my financial situation.

I've worked summer jobs all along: One summer in the kitchen of Homerun Inn. Two summers as a day camp counselor. Last summer, because of my coursework and experience at IIT, I was able to get a job with GM's Electro-Motive Division. They paid me substantially, and I thought that I had saved very well. I had hoped to have enough money for the entire year so I wouldn't have to work so much. I knew I was going to be taking a very heavy courseload of 20 credit hours in the fall. Twelve hours is considered full-time.

I was hoping that—since it was my senior year—I could devote my spare time to looking for a job and maybe taking it a little bit easier. I thought maybe I would even have some money to spend on other things. That didn't happen. I used up all my savings last semester for tuition and housing. Financial aid was so poor that when I got my award, I was just shocked. I didn't have any choice about what I would spend my savings on.

Since my freshman year I've also had to work during the academic year. I've probably been working an average of about 15 hours a week, but sometimes it gets up to 30 or 40. My first job was at the student union. After that I was a lab assistant in computer-aided drafting. When a job opened up in the admissions/financial aid office, I worked there for two years. I enjoyed encouraging students to go on with their education. Now, I'm working as a teaching assistant in our freshman computer literacy program.

Teaching is something that I wanted to look more seriously into—either at the college or high school level. I enjoy the feeling that I get when I can relate some of the things that I have learned. I like being able to help someone out, being in a position to encourage them to stretch further than they would have expected to go themselves.

But as far as jobs are concerned, when I graduate, I'm going to have to get a job that will enable me to pay back those loans. Once I make enough money, then I can maybe look into and go into teaching. I'm inter-

ested in graduate school, but I never really considered it a possibility because of the amount of money that I owe right now.

I've had good grades here in college, so I think I am in a fairly good position to find a job. I have probably more opportunity than most people at this point, but it is still kind of tentative, and I'm really feeling the pressure of finances. Things would have been a lot easier if I'd had more support.

I never expected a free ride, but I worked very hard, and when I got out I'm going to face a big debt. I'm glad I was able to manage, and that I had people to encourage me, but I think there has to be a better way to help people like me get their education.●

MIDDLE EAST RELIEF EFFORTS

● Ms. MIKULSKI. Mr. President, I would like to speak in support of a more aggressive relief effort in the Middle East.

I do not want to discuss today the policy of whether or not we actively support the insurrection in Iraq. Or whether we support a separate Kurdistan or the separatist movements in Africa. Those are complicated issues for another time.

Starvation is not a complicated issue. Neither is death from exposure.

As Americans, we cannot stand by and ignore the pictures of Kurdish refugees or the starving millions in Somalia, Ethiopia, and the Sudan.

Today we have tons of equipment in the region that can help these people. Tents, food, aircraft, generators.

We do not need a consultant to make a "needs assessment." We do not have time for studies.

We know what they need. We know what we have close by. The only question is how to deliver it.

I call on officials in the Agency for International Development and the Department of Defense to use all the creativity, resourcefulness, and common sense at their disposal to find a quick, efficient way to deliver desperately needed goods to these people.●

LEE IACocca TO RECEIVE ENGINEERING SOCIETY OF DETROIT'S 1991 LEADERSHIP AWARD

● Mr. LEVIN. Mr. President, I am pleased that Lee Iacocca has been chosen to receive the Engineering Society of Detroit's 1991 Leadership Award. This honor is awarded to individuals for their significant contributions to the engineering profession, as well as support of education and research activities. Lee Iacocca is most deserving of this award. Lee's contributions range from helping educate disadvantaged children to improving our international competitiveness.

Lee's contributions to the State of Michigan are well known. He has helped revitalize the auto industry, creating jobs and bringing income to the State. He has also headed job creation and economic development commissions for the State. In addition to

these important achievements, Lee's efforts have touched the lives of many needy people. Lee has been involved in diabetes research efforts, and reading and literacy programs for the less fortunate among us.

Lee Iacocca has helped bring innovation to the auto industry, one of the more important sectors of our national economy. He has helped promote engineering education and innovation. He recognizes that to remain competitive we must always strive for the new, for the idea that can make a difference. He also recognizes that we can no longer rest on our laurels: innovation takes hard work. We must educate our children as well as our engineers so we can continue to remain competitive.

Let Lee Iacocca be an example to the child struggling with the basics of grammar that hard work pays off. But, let Lee Iacocca also be an example to our business and government leaders that innovation and a fresh approach also pay off.

As a citizen of the State of Michigan, and of the United States, I thank and applaud Lee Iacocca.●

HONORING HILLIARD AND WEYERS

● Mr. KASTEN. Mr. President, it is with great pride that I rise today to honor two very important business leaders—Wally Hilliard and Ron Weyers of Green Bay, WI.

On April 8, Hilliard and Weyers received the Green Bay Rotary Club's Free Enterprise Award. This was the culmination of a long struggle by both of these men—a struggle in which they exemplified the highest virtues of a free-market society.

Wally Hilliard and Ron Weyers believe in perseverance, the pursuit of excellence, and a commitment to service. They founded American Medical Security less than 3 years ago and have already seen it crowned with success.

These men have done a great job—in bouncing back, and in providing an important service to the community. They deserve our warmest congratulations on their recent award.●

THE 60TH ANNIVERSARY OF THE STAR SPANGLED BANNER

● Mr. SEYMOUR. Mr. President, this year marks the 60th anniversary of the "Star Spangled Banner" as our country's national anthem, and it is with great pleasure that I ask my colleagues to join with me and the Committee for National Theatre Week in acknowledging its impact on our American way of life. Not only here in the United States, but worldwide, its words and music have come to represent our belief in freedom, justice, and equality and I hope it will continue to do so for many years to come.

Most Americans know of Francis Scott Key and how he came to write

the words to our national anthem, but what most do not know is how Mr. Key's words were put to music. It was shortly after the Battle of Fort McHenry that Key's poem titled "The Defense of Fort McHenry" was published in Baltimore. The public, upon reading the poem, were touched by its patriotic theme and one person, in particular, while in a Baltimore tavern, began paging through sheet music and found that a popular tune of the time, "To Anacreon in Heaven," could accompany the poem perfectly.

The first public performance of the words and tune together took place in Baltimore's Holliday Street Theatre under the new title of the "Star Spangled Banner" by an actor named Mr. Hardinge.

Mr. President, in commemoration of those who so bravely fought during that past conflict and this most recent one, I request that Mr. Francis Scott Key's poem, "The Defense of Fort McHenry," be printed in its entirety following these remarks.

The poem follows:

Oh! say, can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming?
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watch'd were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.
Oh! say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?
On the shore, dimly seen thro' the mist of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected, now shines on the stream.
'Tis the star-spangled banner. Oh! long may it wave
O'er the land of the free and the home of the brave!
And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has wash'd out their foul footsteps' pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave,
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.
Oh! thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation,
Blest with vict'ry and peace, may the heav'n-rescued land

Praise the Pow'r that hath made and preserved us a nation.
Then conquer we must, when our cause it is just,
And this be our motto, "In God is our trust."
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.●

HONORING JOHN R. SCHREITER

● Mr. KASTEN. Mr. President, I rise today to call the attention of my colleagues to the retirement of a very valuable public servant.

For 36 years, John R. Schreiter has been serving the people of Outagamie County, WI. For the last 12 years, he has been the county executive.

Mr. Schreiter's retirement will leave a large gap in the public life of Outagamie County. But we can all remain proud of his years of achievement—and wish him many years of happiness in his new situation.●

KOREAN FIGHTER DEAL

● Mr. D'AMATO. Mr. President, the Korean fighter deal has just gone from bad to worse.

To those of us who opposed the FSX co-development project with Japan, and oppose this sale, the news that the General Dynamics F-16 has edged out the McDonnell-Douglas F/A-18 is hardly welcome. The Koreans have traded up. We're handing them one of our best designs.

Aerospace is our ace in the hole. We've played every other trade card. Are we so arrogant as to believe that if we teach the Koreans how to build aircraft that they will not challenge us in the marketplace with designs of their own?

Who gains from this deal? Certainly, General Dynamics. But what about the American people? How do they benefit from this latest technology transfer? For a few billion dollars in short-term profit shared by a tiny few, we will have widened the field of nations capable of producing sophisticated aircraft. The Koreans' infant aerospace industry may not be able to challenge United States aircraft manufacturers in 5 years, maybe not even in 10 years, but, given time, I have every confidence in the ability of Korean manufacturers to take us on.

We are selling, on the cheap, technology developed over decades at a cost of hundreds of billions of dollars to the American taxpayer. It is the American people who own this technology, not this corporation or that. The people whose hard-earned tax dollars paid for the F-16 must have a say in the use of that technology, or, in this case, its squandering in the name of greed.

If the point is to keep workers on the job for another year or two, I understand that. Let's keep them employed. But let's do it by increasing necessary

American defense expenditures. If we want to remain the best, if our aerospace products are to remain the envy of the world, then we should be willing to pay for it.

What we shouldn't do is keep American workers productive by subsidizing the development of the very competitors who will someday run us into the ground. We did it with automobiles, we did it with electronics, and we are starting to do it with aircraft. Make no mistake. The Koreans, as do the Japanese, understand the profitability of the aerospace market, have targeted that market for penetration, and, if we help them, will someday be selling to us the very products we once taught them to produce.●

HONORING THE WISCONSIN 128 AIR REFUELING GROUP

● Mr. KASTEN. Mr. President, I rise today to alert my colleagues to some very important statements made recently by Air Force Lt. Gen. John B. Conaway. In testimony before the Defense Appropriations Subcommittee, General Conaway called the Air National Guard's Air Refueling Groups the unsung heroes of Desert Shield/Desert Storm.

He said, "The allied air accomplishments would not have been possible without air refueling provided by these units." The Wisconsin 128th Air Refueling Group was one of several groups cited by General Conaway for their excellent performance in the Persian Gulf.

It is an interesting and a fitting coincidence that General Conaway's remarks came on the same day as the 128th began their return from the Persian Gulf to Milwaukee. The remaining eight aircraft will be returning in ones or twos every day until April 15, when the last aircraft is scheduled to arrive.

Everyone is justifiably proud of the many accomplishments of the 128th. General Conaway's comments add to the praise already received for the great work of this fine group.●

YOM HASHOAH—HOLOCAUST OBSERVANCE WEEK

● Mr. SEYMOUR. Mr. President, I rise today to join my colleagues in designating this week—April 7 through April 13, 1991—for reflections on the Nazi Holocaust.

The 6 million Jewish victims of Adolph Hitler's policies bear permanent witness to a legacy of repression and death. But I would like to suggest that we take some time to consider what the victims of the Holocaust taught us about the amazing endurance of faith.

It was in this truth, Mr. President, that the theologian Karl Rahner discovered the root strength of the Judeo-Christian ethic. In a hostile environment, Rahner observed, the diaspora

staggered against the power of dictators but persevered as a community of faith because its members knew that accountability to the state was not the ultimate goal of a moral society.

Elie Weisel applied Rahner's theory to the experience of the Jews. His writing bemoans the fact that the Third Reich could storm the temple, lock the doors, and fill the box cars. But he also pointed out that the Nazis only made the spirituality of their captives more forceful, and the crowded camps represented not a victory for the political order, but the very weakness of its authority.

"Is it true," Alexander Solzhenitsyn asked the Harvard University graduates of 1978, "that man is above everything?" The pain and the fortitude of the Holocaust victims provides us with a powerful answer. In the same speech, Solzhenitsyn also challenged his privileged audience not to become "forgetful hearers, but doers of the word."

Our observance of Yom Hashoah must refresh our commitment not to hear and forget, but to listen and act. The horrid example of the Holocaust calls us to remind any aspiring oppressor that the world is watching and that the world cares. These martyred millions dared to hope that agony suffered by the just could yet bring victory. For them, Mr. President, let us win the battle.●

HONORING THE ELKS OF NEENAH-MENASHA

● Mr. KASTEN. Mr. President, I rise today to commemorate a very significant anniversary. Last month, the Neenah-Menasha Elks Lodge 676 in Wisconsin's Twin Cities celebrated its 90th anniversary.

For nine decades, these Elks have been brightening the life of the whole Neenah-Menasha community.

In 1901, there were only 30 members; today, the roll stands at over 800. The steady growth of this organization bespeaks a truly committed attitude on the part of everyone involved.

I think they are setting a great example—and I ask my colleagues to join me in wishing them a very happy anniversary.●

ASSYRIAN NEW YEAR

● Mr. SIMON. Mr. President, April 1, 1991, marked a historic day for the Assyrians throughout the world. Assyrian New Year is a time for all Assyrians to commemorate and reflect on their contributions to the world.

Assyria was one of the oldest civilizations recorded. Their famous settlements of Mesopotamia and Babylonia in the fertile crescent were springboards for modern culture. Today, Assyrians do not have a specific territory they call home, but they originate from several different countries in

Near East Asia, and have settled throughout the world.

As a group the Assyrian-Americans have contributed greatly to our Nation's culture. Through many organizations such as the Assyrian Universal Alliance and the Assyrian Youth Alliance, the Assyrian people have made themselves a part of our heritage. Several well-known Assyrians, such as the artist Hannibal Alkhas, were educated in the United States and have contributed greatly to the arts and sciences of our universities. Many Assyrian scholarship funds have been set up to enable young Assyrian-Americans to attend institutions of higher learning. The value Assyrians place on education is an attribute that should be admired and emulated by all Americans.

This year, however, has been a difficult time for many Assyrian-Americans. The recent events in the Persian Gulf have given rise to discrimination against Arabs in the United States. For this reason Assyrian-Americans from my home State of Illinois canceled the annual Assyrian New Year parade held in downtown Chicago. I am saddened that these Assyrian-Americans felt the need to celebrate their new year privately for fear of retribution due to false association with Saddam Hussein. Racism against Arabs has no place in our country and I have cosponsored legislation designed to curb discrimination against Arab-Americans and other minorities.

In addition to the situation in the Middle East, the Assyrian people face another challenge. As every day goes by, more and more Assyrians are not allowed to emigrate to this country. As you may know, Congress meets semi-annually with the Secretary of State to consult on refugee issues. As a member of the Senate Immigration and Refugee Affairs Subcommittee, I regularly take part in the consultation. I plan raising the concerns of the Assyrian people with Secretary Baker. If the consultation does not take place in a timely fashion, I will explore other ways in which our refugee admissions process can be receptive to the needs of the Assyrian people.

Although the Assyrians are not great in numbers, the contributions they have made to our society are significant and should be remembered and commended.●

CONCERNING THE PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 99, as modified, and placed over under the rule earlier today.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) concerning the protection of refugees in Iraq.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution, as modified.

The resolution (S. Res. 99) as modified, was agreed to.

The preamble was agreed to.

The resolution as modified, with its preamble, is as follows:

S. RES. 99

Whereas Kurds, Shiites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees; Now, therefore, be it hereby

Resolved by the Senate, That:

The Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing

temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi Government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution, as modified, was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

THE EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar numbers 27, 28, and 66, and Nicholas Brady reported today by the Committee on Foreign Relations to be U.S. Governor of the European Bank for Reconstruction and Development.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

Mr. SPECTER. Mr. President, that is agreeable to this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Arthur J. Hill, of Florida, to be an Assistant Secretary of Housing and Urban Development.

Jim E. Tarro, of New Mexico, to be an Assistant Secretary of Housing and Urban Development.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The following-named persons to be members of the Defense Base Closure and Realignment Commission for terms expiring at the end of the session of the 102d Congress:

Arthur Levitt, Jr., of New York;
Robert D. Stuart, Jr., of Illinois; and
Alexander B. Trowbridge, of the District of Columbia.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Nicholas F. Brady, of New Jersey, to be U.S. Governor of the European Bank for Reconstruction and Development.

STATEMENT ON NOMINATION OF JIM E. TARRO

Mr. DOMENICI. Mr. President, I am most pleased to ask the support of my colleagues for Jim Tarro's nomination to be Assistant Secretary for Administration at the U.S. Department of Housing and Urban Development.

Jim is an outstanding New Mexican who has established himself as a leader and truly competent administrator.

Mr. Tarro was active in New Mexico business circles as plant quality manager for the Digital Equipment Corp., in Albuquerque, NM, from 1981 through 1989. During that period, Jim was vice president of the Hispano Chamber of Commerce in Albuquerque and was named National Hispanic Engineer of the Year.

In New Mexico, I worked closely with Jim at the minority honors program at Luna Vocational-Technical Institute in Las Vegas. Jim was always a source of inspiration and dedication in matching qualified and talented Hispanic students with career opportunities in technical fields.

As founder of Rio-Tech and Tech Net in New Mexico, I found Jim a reliable and enthusiastic partner in finding better ways to tap New Mexico's scientific talents for application to private industry.

When Jim wanted to move from the private sector to the U.S. Department of Energy, I was most glad to back him all the way. Jim served the Department with distinction as the Director of Administration here in Washington, DC.

We now find that we need Jim's leadership talents in the U.S. Department of Housing and Urban Development where there is a major transition underway. Secretary Jack Kemp is doing his best to implement the Cranston-Gonzalez National Affordable Housing Act which will substantially change the way we assist low-income Americans to meet their housing and shelter needs.

Mr. President, I am confident that Jim's technical talents will serve Secretary Kemp and this Nation well.

As we invite more players into the arena of creating more affordable housing through the creative mix of public and private efforts, Jim's talents in both arenas will come into play.

Jim Tarro's solution-oriented attitude and capability will be most valuable as we seek new ground in solving this Nation's housing problems for those most in need.

Mr. President, I am proud of Jim Tarro. He is a most capable administrator who will serve this Nation well in the position of Assistant Secretary of HUD for Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NOMINATION DISCHARGED FROM THE COMMITTEE ON GOVERNMENTAL AFFAIRS AND PLACED ON THE CALENDAR

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the nomination of James F. Hoobler to be inspector general, Small Business Administration, be discharged from the Committee on Governmental Affairs; and placed on the calendar.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL EDUCATION FIRST WEEK

JEWISH HERITAGE WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of House Joint Resolution 197, designating National Education First Week, and House Joint Resolution 134, designating Jewish Heritage Week, just received from the House; that the resolutions be deemed read a third time and passed; that the motion to reconsider passage of these resolutions be laid on the table and that the preambles be agreed to. I further ask unanimous consent that the consideration of these measures appear individually in the RECORD and any statements appear at the appropriate place.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (H.J. Res. 197 and H.J. Res. 134) were deemed read a third time and passed.

AUTHORIZING THE USE OF THE ROTUNDA TO WELCOME THE DALAI LAMA

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 115 regarding the use of the rotunda now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 115) authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 115) was considered and agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which

the concurrent resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SOLAR, WIND, WASTE, AND GEOTHERMAL POWER PRODUCTION INCENTIVES ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 21, S. 258 regarding the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 258) to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, at the end of last year Congress enacted the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990. The intent of this act was to remove all size restrictions under the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) on small power production facilities that use solar, wind, waste, or geothermal resources, subject only to certain time limitations. However, because of a technical drafting error the legislation only removed size limitations for facilities that have power production capacities exceeding 80 megawatts. Facilities of 80 megawatts or less were unaffected. Under the law as it now stands, certain facilities between 30 and 80 megawatts do not receive regulatory exemptions that they would otherwise benefit from if they were larger than 80 megawatts. S. 258 would remedy this oversight and treat facilities larger and smaller than 80 megawatts in the same fashion.

I note that in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 Congress addressed the treatment of small power production facilities affected by the act in circumstances where the Federal Energy Regulatory Commission [FERC] has not promulgated regulations to reflect the changes made by the act. It appears that the resolution of this issue may have been unnecessary. The Committee on Energy and Natural Resources did not address this issue in S. 258 because pending such rulemaking as FERC may choose to initiate, the Commission has the inherent authority to waive its existing regulations for good cause on a case-by-case basis.

The PRESIDING OFFICER. Is there further debate? If there be no further

debate the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(17)(E) of the Federal Power Act, as amended, is further amended by striking “, and which would otherwise not qualify as a small power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)”.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 119—DESIGNATING APRIL 22, 1991, AS “EARTH DAY”

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Joint Resolution 119, a joint resolution designating April 22, 1991, as Earth Day, introduced earlier today by Senators ROTH, GORE, and others.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 119) to designate April 22, 1991 as “Earth Day” to promote the preservation of the global environment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time by title.

The joint resolution (S.J. Res. 119) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 119

Whereas the world faces an international environmental crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that April 22, 1991, is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. MITCHELL. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 93, a resolution commending the University of Tennessee Women's basketball team on their third NCAA title, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 93) commending the University of Tennessee Women's Basketball Team on their third NCAA title.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 93

Whereas the women's basketball team of the University of Tennessee, the Lady Vols,

have won three National Championships in the last five years, and

Whereas the Lady Vols have appeared in the Final Four of the NCAA Women's Basketball Tournament 11 times in the past 15 years, and

Whereas the Lady Vols have a streak of fifteen straight seasons in which they have won twenty or more games, and compiled a 30-5 mark in 1991, and

Whereas Pat Head Summitt, the coach of the Lady Vols, has compiled a record of 442 wins and only 118 losses in her seventeen years leading the Lady Vols, and

Whereas the players and coaches of the Lady Vols have a dedication to education that equals their zeal for the game of basketball,

Whereas the Lady Vols, under Pat Head Summitt, have achieved a virtually perfect graduation rate, and

Whereas the University of Tennessee's Lady Vols won the 1991 NCAA Women's Basketball Tournament Championship with a 70-67 overtime win over the University of Virginia: Now, therefore, be it

Resolved, That the University of Tennessee and Coach Pat Head Summitt are to be congratulated for an outstanding season.

SEC. 2. That the United States Senate congratulates Coach Pat Head Summitt and the Lady Vols on winning the NCAA Women's Basketball Tournament Championship for 1991 and becoming the first team ever to win three such titles.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE DUKE BLUE DEVILS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 100, submitted earlier today by Senators SANFORD, HELMS, and myself relating to the Duke University Blue Devils, the men's basketball team, on winning the NCAA title.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 100) to commend the Blue Devils of Duke University for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANFORD. Mr. President, I rise today to commend the Blue Devils of Duke University for their victory last week over the Kansas Jayhawks to win the 1991 National Collegiate Athletic Association men's basketball championship. As the former President of Duke University, it is with special pride that I congratulate the coaches and members of the Duke basketball team for their fine season and outstanding tournament play.

The Duke team played strongly throughout the tournament, and their upset of the top-ranked and undefeated Running Rebels of the University of Nevada-Las Vegas is certain to go down as one of the most exciting games in NCAA history. The ability of the young Duke team to bounce back from its defeat in last year's finals and defy virtually everyone's assumption that the UNLV team was unbeatable illustrates the sheer determination, ice-cold composure and athletic grace that the members of this team possess.

The Blue Devils strong record in the NCAA tournament is quite enviable. In fact, this year marks the ninth year that Duke has made it all the way to the Final Four. I don't believe any basketball team deserves to win the NCAA title more than Duke, and no one is more pleased than I am that this year the Blue Devils returned to Durham with the championship trophy.

Of particular note, the Duke team has reached the Final Four 5 of the last 6 years. The individual who deserves the most credit for this outstanding record is Coach Mike Krzyzewski who, by the way, also has the highest winning percentage among active coaches in the NCAA tournament with a 27-7 record.

Coach Krzyzewski came to Duke when I was President, and I have watched him build the Duke basketball program into what I would argue is the best program in the country. And Coach Krzyzewski deserves the highest accolades not only because he is such a gifted coach on the basketball court. He deserves tremendous praise because he has built such a competitive and successful program by focusing not on win-loss records but on the much more important goals of ensuring that each of his players receives a solid education and continues to grow as both an athlete and an individual.

In addition, I am very proud of all of the players on the Duke basketball team. Of course, I am proud of them because they are great athletes but I am even prouder because they are true student athletes in every sense of the word. They are bright, articulate individuals who have excelled not only on the basketball court but in the classroom, and I believe they serve as great role models for any of our Nation's youth who hope one day to participate in college athletics.

Throughout the season, the Duke players have shown evidence of tremendous character and leadership. In particular, I do not think any players should be more commended than the senior cocaptains of this team who became the first players to go to the NCAA Final Four for four consecutive years.

I also want to add that I have had the good fortune of having two of these players as well as one former player and current assistant coach as interns

in my Washington office. It has been exciting to see their interest in the political process, and these internships are only one example of the type of extracurricular activities that team members participate in to complement their academic and athletic careers.

Mr. President, let me just say in closing that the coaches and members of the Duke basketball team are all truly outstanding individuals. I am very glad to have the opportunity to publicly congratulate this team on its successful season, and I would now like to introduce a Senate Resolution commending the Blue Devils for winning the NCAA title.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 100

Whereas, for the first time in the history of the university, the Duke University Blue Devils won the National Collegiate Athletic Association Men's Basketball Championship; and

Whereas Duke University has consistently maintained one of the top basketball programs in the country; and

Whereas the Duke Blue Devils have reached the NCAA Final Four nine times, and the current head coach Mike Krzyzewski and his staff have led the Blue Devils to the Final Four five out of the last six years; and

Whereas Coach Krzyzewski holds the highest winning percentage among active coaches in the NCAA tournament with a 27-7 record; and

Whereas Coach Krzyzewski was also named NCAA Coach of the Year; and

Whereas the senior cocaptains of the Duke basketball team became the first players to go to the NCAA Final Four each of their four years; and

Whereas three members of the Duke team made the NCAA All-Tournament team, one was named first team All-American, one honorable mention All-American, and one freshmen All-American; and

Whereas the Blue Devils, before defeating Kansas in the final game, beat the University of Nevada-Las Vegas Running Rebels and ended their 45 game winning streak: Now, therefore, be it

Resolved, That the Senate commends the Duke University Blue Devils for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMAN RIGHTS ABUSES IN BURMA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 47, Senate Concurrent Resolution 18, a concurrent resolution ex-

pressing the concern of the Congress for the ongoing human rights abuses in Burma.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 18) expressing the concern of the Senate for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 18

Whereas since September 1988 the people of Burma have been subject to a military dictatorship which has suppressed massive prodemocracy demonstrations;

Whereas the State Law and Order Restoration Council has not transferred legal authority to a civilian government as required by the results of the May 1990 elections, in which the National League for Democracy received some 60 percent of valid votes cast and over 80 percent of parliamentary seats;

Whereas, on January 31, 1991, the United States Department of State submitted to the Congress its annual Country Reports on Human Rights Practices, and therein reported that Burma's deplorable human rights situation did not improve in 1990, citing torture, disappearances, arbitrary arrests and detentions, unfair trials and compulsory labor, among other violations.

Whereas the State Law and Order Restoration Council has led a campaign to decimate the National League for Democracy (NLD) through press attacks, blocked publications, office raids and the imprisonment of hundreds of NLD officials;

Whereas the Government of Burma has been hostile to outside scrutiny of its human rights record and has been unwilling to provide meaningful access to international and nongovernmental organizations concerned about human rights;

Whereas Burma has not met the certification requirements listed in section 802(b) of the Narcotics Control Trade Act of 1986;

Whereas an estimated fifty thousand Burmese have fled to the border between Thailand and Burma and at least two thousand Burmese students have fled to Bangkok since 1988; and

Whereas, while Thai authorities have permitted temporary safe haven to thousands of displaced Burmese and Burmese refugees in Thailand, the Government of Thailand has not yet permitted comprehensive United Nations protection and assistance for Burmese in Thailand: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls upon the State Law and Order Restoration Council to cede legal authority to a civilian government as mandated by the election of May 1990;

(2) condemns the arrest and detention of Burmese citizens for the peaceful expression of their political views;

(3) condemns the Government of Burma's disregard of human rights and fundamental freedoms;

(4) urges the President to impose additional economic sanctions upon Burma as specified in section 138 of the Customs and Trade Act of 1990;

(5) calls upon the United Nations Human Rights Commission to seek greater access to Burma for its Expert on human rights in Burma, and to continue and expand its scru-

tiny over the human rights situation in the country;

(6) urges the United States, through the Secretary of State, to affirm its support for the resettlement of Burmese asylum seekers who are without other safe and reasonable alternatives; and

(7) urges the Government of Thailand to accord all displaced Burmese and Burmese asylum seekers, temporary safe haven, protection against return of those who might face persecution or other threats to their lives or freedoms upon return to Burma, and access to procedures for third country resettlement for those Burmese refugees who are without safe and reasonable alternatives.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, on behalf of Senator CRANSTON, I send an amendment title to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The title amendment is agreed to.

Amend the title so as to read:

Expressing the concern of the Congress for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees.

AUTHORIZING APPOINTMENT BY THE CHAIR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort her excellency Violeta Chamorro, President of the Republic of Nicaragua, into the House Chamber for the joint meeting on Tuesday, April 16, 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, I send to the desk a resolution of authorization of Senate employees to testify and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 101) to authorize testimony in the case of *United States v. Kim Peoples*, No. M7711-90.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the U.S. attorney for the District of Columbia is prosecuting a misdemeanor case titled *United States versus Kim Peoples* in the Superior Court for the

District of Columbia. The case concerns the theft of personal property belonging to an employee on Senator HELMS' staff from Senator HELMS' office in the Senate Office Building. The U.S. attorney needs the testimony at trial of two employees on Senator HELMS' staff, Frances Marcus and John Masburn, who have firsthand knowledge pertinent to the charge. This resolution would authorize these two employees, and any other Senate employee whose testimony in this case may be necessary, to testify.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 101

Whereas in the case of United States v. Kim Peoples, No. M7711-90, pending in the Superior Court for the District of Columbia, the United States Attorney has caused subpoenas for testimony at trial to be served upon Frances Marcus and John Masburn, employees in the office of Senator Jesse Helms;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Frances Marcus, John Masburn, and any other Senate employee whose testimony may be necessary, are authorized to testify at the trial of United States v. Kim Peoples.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, APRIL 15, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, April 15; that on Monday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 2:30 p.m. on Tuesday, April 16; that on Tuesday, April 16, following the time for the two leaders, there be a period for morning business, not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, APRIL 15, 1991, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and if the acting Republican leader has no further business, I now ask unanimous consent that as a further mark of respect to the memory of the late former Senator John Tower, in accordance with Senate Resolution 97, the Senate stand in recess, as under the previous order, until 10 a.m. on Monday, April 15.

There being no objection, the Senate, at 7:14 p.m., recessed until Monday, April 15, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 1991:

DEPARTMENT OF STATE

JOHN E. BENNETT, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

THE JUDICIARY

EMILIO M. GARZA, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE 5TH CIRCUIT VICE THOMAS M. REAVLEY, RETIRED.

SHARON LOVELACE BLACKBURN, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

RICHARD T. HAIR, SR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA VICE JOHN M. DUHE, JR., ELEVATED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER, MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WILLIAM JOHN CONNOLLY, OF CALIFORNIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HERewith:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 1, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

FRANK L. BREEN, OF WASHINGTON
GENE V. GEORGE, OF NEW YORK
JOHN O'ROURKE, OF VIRGINIA
EDWIN D. STAINS, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MERRITT C. BROWN, OF PENNSYLVANIA
HILARIO ARNALDO MARTINEZ LLANES, OF FLORIDA

DEPARTMENT OF COMMERCE

JOHN EDGER PETERS, OF FLORIDA

AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD L. BOGGS, OF TEXAS
JAMES R. BONNELL, OF VIRGINIA
FRANCIS KARL BUIGE, OF VIRGINIA
IDA GRIZZELLE SMYER, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANDREW DAVID SIEGEL, OF CALIFORNIA

DEPARTMENT OF AGRICULTURE

THOMAS BUHLER, OF THE DISTRICT OF COLUMBIA

JAMES R. DEVER, OF MARYLAND
LISA A. HARDY, OF CALIFORNIA
SUZANNE E. HEINEN, OF MICHIGAN
JEFFREY A. HESSE, OF VIRGINIA
JAMES J. HIGGISTON, OF NEW YORK
FRED R. KESSEL, OF WASHINGTON
PAUL KIENDL, OF VIRGINIA
DANIEL MARTINEZ, OF TEXAS
DAVID J. MERGEN, OF MISSOURI
GRAY W. MEYER, OF MARYLAND
EDWIN H. PORTER, OF VIRGINIA
JAMIE ROTHSCHILD, OF CALIFORNIA
LEON SCHMICK, OF MARYLAND
GREGG P. YOUNG, OF MARYLAND

DEPARTMENT OF COMMERCE

THOMAS PORTER CLARY, OF TEXAS
DAWN M. COOPER-BAHAR, OF MARYLAND
MARGARET A. KESHISHIAN, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

DONA MARI DINKLER, OF KANSAS
NICHOLAS JENKS, OF NEW HAMPSHIRE
DIANA BRITON PUTMAN, OF PENNSYLVANIA
RICHARD O. WOODARD, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DAVID ARTHUR ACKERMAN, OF FLORIDA
KEVIN CROSBY AUSTON, OF ILLINOIS
MELVIN THLICK-LEUNG, OF CALIFORNIA
REID S. BAUMAN, OF ILLINOIS
ANGELINE BIEGLER, OF FLORIDA
JOANNA WATKINS BOURNE, OF FLORIDA
BRIAN L. BROWNE, OF FLORIDA
JENNIFER LEIGH BRUSH, OF VERMONT
DEIRDRE CHETHAM, OF NEW YORK
NANCY LYNN CORRETT, OF CALIFORNIA
SYLVIA REED CURRAN, OF ALASKA
DENNIS LACKEY CURRY, OF NEW YORK
BRYAN WAYNE DALTON, OF MINNESOTA
RAYMOND W. DILLON, JR., OF CONNECTICUT
JOHN ALBERT PLAYLEY DYSON, OF GEORGIA
CECILIA BRIDGET ELIZONDO, OF TEXAS
JOHN JOSEPH FENNERTY, OF WASHINGTON
JOHN J. FINNEGAN, JR., OF PENNSYLVANIA
RANDOLPH HOWARD FLEITMAN, OF VIRGINIA
JULIE M. GARDNER, OF WASHINGTON
PAUL G. GILMER, OF CALIFORNIA
JERI SCHAEFFER GUTHRIE-CORN, OF CALIFORNIA
JOHN HENNESSEY-NILAND, OF THE DISTRICT OF COLUMBIA

HELEN CLARE HUDSON, OF MICHIGAN
BARBARA JEAN JOHNSON, OF SOUTH DAKOTA
SYLVIA DOLORES JOHNSON, OF SOUTH CAROLINA
GLORIA M. JORDAN, OF TEXAS
MATTHEW B. KAPLAN, OF NEW YORK
PETER FRANCIS MAHER, OF FLORIDA
CARLOS FELIPE MEJIA, JR., OF CALIFORNIA
DAN MCKENZIE MILLER, OF NEW JERSEY
PATRICIA G. NELSON-DOUVELIS, OF THE DISTRICT OF COLUMBIA

JEFFREY R. OLESEN, OF WEST VIRGINIA
ANDREW W. OLTAN, OF TEXAS
WILLIAM JAMES ORR, JR., OF NEW MEXICO
MICHAEL S. OWEN, OF TENNESSEE
HOLLIS S. SUMMERS, OF TEXAS
PETER GEOFFREY TINSLEY, OF CALIFORNIA
KAREN EILEEN VOLKER, OF CALIFORNIA
MARY A. WRIGHT, OF CALIFORNIA

U.S. INFORMATION AGENCY

KIMBERLY G. HARGAN, OF THE DISTRICT OF COLUMBIA
MARY FRANCES SPEER, OF OHIO

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICES AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOSEPH F. AMMIRATI, OF VIRGINIA
CARL M. ANDERSEN, OF MARYLAND
LAURA BARTHOLOMEW, OF VIRGINIA
VALERIE A. BAUM, OF NEW JERSEY
VALERIE LOUISE BELTON, OF ALASKA
MATTHEW T. BERRETT, OF VIRGINIA
DAVID WILLIAM BOYLE, OF VIRGINIA
SUSAN BRAWN, OF VIRGINIA
BRADLEY S. BRYSON, OF VIRGINIA
MICHAEL D. CAPPS, OF VIRGINIA
LISA MARIE CARLE, OF CALIFORNIA
MARGARET CERES, OF VIRGINIA
KEITH M. CURTIS, OF VIRGINIA
JEFFREY F. DELAURENTIS, OF NEW YORK
MATTHEW B. DEVER, OF THE DISTRICT OF COLUMBIA
JOSEPH STANTON DORSEY, OF VIRGINIA
ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ERIC PETER FABIAN, OF VIRGINIA
GINA C. FADDIS, OF VIRGINIA
LAURA ANN FARNSWORTH, OF TEXAS
LAURIE KIM FASSETT, OF TEXAS
SUSAN JOY FEIN, OF MARYLAND
RICHARD B. FISHER, OF OHIO
JEANNE L. FOSTER, OF VIRGINIA

ERIK D. FREESTONE, OF WYOMING
 MARK EDWARD FRY, OF MICHIGAN
 JULIANNE M. FURMAN, OF TEXAS
 KELLI ANN HAMILTON, OF VIRGINIA
 JOHN V. HANKE, OF THE DISTRICT OF COLUMBIA
 EDWARD D. HANSON, OF VIRGINIA
 MARY VAETH HANSON, OF VIRGINIA
 JOHN CHRISTOPHER HARPOLE, OF MASSACHUSETTS
 AMY KATHLEEN HARRIES, OF ARIZONA
 REGINA HART, OF VIRGINIA
 GREGORY N. HICKS, OF MARYLAND
 COLLEEN ANNE HOBY, OF VIRGINIA
 KAREN L. HOLLERICH, OF VIRGINIA
 JASON H. HOROWITZ, OF CALIFORNIA
 PATRICK HUGHES, OF THE DISTRICT OF COLUMBIA
 MARY L. JOHNSON, OF VIRGINIA
 ROBERT J. JOHNSON, OF MARYLAND
 DEBRA A. JUNKER, OF INDIANA
 EDGARD DANIEL KAGAN, OF ILLINOIS
 JEFFREY R. KATZ, OF VIRGINIA
 KELLIE LYNN KENNEY, OF VIRGINIA
 JOHN D. KILGORE, OF VIRGINIA
 JAMES WERNER LEAF, OF WASHINGTON
 JOSEPH Y. LEE, OF MARYLAND
 PAMELA S. LOW, OF VIRGINIA
 ANTHONY L. LUSITANI, JR., OF CONNECTICUT
 HUGH A. MACNEIL, JR., OF MARYLAND
 MICHAEL PETER MACY, OF CALIFORNIA
 REBECCA L. MANN, OF THE DISTRICT OF COLUMBIA
 MARYANNE THERESE MASTERSON, OF VIRGINIA
 MICHAEL J. MASTRANGELO, OF TEXAS
 FLEMING W. MATTHEWS, OF MARYLAND
 AROOSTINE S. MCDOWELL-LONG, OF VIRGINIA
 FORREST E. MCMUNN, OF VIRGINIA
 RONALD K. MORGAN, OF TEXAS
 W. HOWIE MUIR, OF CONNECTICUT
 RICHARD WILLIAM O'BRIEN, OF MARYLAND
 REICHEL D. OGATA, OF VIRGINIA
 DENNIS A. OLECHNA, OF MARYLAND
 LEAHSENE LACEY O'NEAL, OF THE DISTRICT OF COLUMBIA

LESLIE MARIE PADILLA, OF NEW MEXICO
 ALAN L. PATTERSON, OF VIRGINIA
 MARTHA E. PATTERSON, OF NEW YORK
 DONALD D. PATTESON, III, OF TEXAS
 DUANE M. PAULUS, OF VIRGINIA
 AVRAHAM RABBY, OF NEW YORK
 MICHAEL J. RAIOLE, OF VIRGINIA
 CHERYL J. RATHBUN, OF THE DISTRICT OF COLUMBIA
 PHILIP C. RAVELING, OF VIRGINIA
 SARAH E. RAY, OF VIRGINIA
 A. JACKSON RICH, JR., OF VIRGINIA
 POLLY ELIZABETH ROBERTS, OF VIRGINIA
 DANIEL A. ROPP, OF SOUTH DAKOTA
 RICHARD ROTHMAN, OF NEW HAMPSHIRE
 J. BRINTON ROWDYBUSH, OF OHIO
 MARILYNN WILLIAMS ROWDYBUSH, OF OHIO
 ANDREW I. RUDMAN, OF THE DISTRICT OF COLUMBIA
 DAVID CRAIG RUSSELL, OF THE DISTRICT OF COLUMBIA
 CYRIL EPHRAIM SARTOR, OF VIRGINIA
 MICHAEL D. SCANLAN, OF PENNSYLVANIA
 LAURIE A. SCHIVE, OF VIRGINIA
 DAVID LESTER SCOTT, OF TEXAS
 MARK WAYNE SEIBLE, OF KANSAS
 JOYCE VESTA SEUNARINE, OF MARYLAND
 CHARLES L. SHAFER, OF MARYLAND
 DAVID S. SHEKMER, OF VIRGINIA
 CHARLES SKIPWITH SMITH, OF TEXAS
 THOMAS D. SMITHAM, OF CALIFORNIA
 CLIFFORD TEUNIS GERRITT SORESEN, OF CALIFORNIA
 EDWARD GEORGE STAFFORD, OF TENNESSEE
 EDWARD D. STERN, OF VIRGINIA
 STEPHEN STERNHEIMER, OF MARYLAND
 JOANNE STONE-RIVER, OF VIRGINIA
 HARRY R. SULLIVAN, OF FLORIDA
 AMERICO TADEU, OF NEW JERSEY
 MARY JANE TEIRLYNCK, OF CALIFORNIA
 SEAN TERRY, OF CALIFORNIA
 THOMAS M. TROY, JR., OF VIRGINIA
 HOLLY E. URUNGU, OF VIRGINIA
 OTTO HANS VAN MAERSSSEN, OF ARIZONA
 PETER HENDRICK VROOMAN, OF NEW YORK
 JOHN MARTIN WEISS, OF VIRGINIA
 DAWN WELFARE, OF MARYLAND
 SIMONE WHITTEMORE, OF WASHINGTON
 CHARLES F. WILSON, OF VIRGINIA
 WHITNEY JOHN WITTEMAN, OF CALIFORNIA
 ELAINE SAMSON YANNOITI, OF NEW YORK
 ANDREW ROBERT YOUNG, OF CALIFORNIA

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

KENNETH C. KOWALCHEK, OF CONNECTICUT
 DONALD E. MASON, OF VIRGINIA

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN MICHAEL CROW, OF CALIFORNIA
 IRA E. KASOFF, OF MASSACHUSETTS
 PAUL C. MAXWELL, OF MARYLAND
 ANDREW P. WYLEGALA, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 19, 1989:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHARLES BOWMAN JACOBINI, OF ILLINOIS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR

PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE THE EFFECTIVE DATE OF THE 1990 STATE SENIOR FOREIGN SERVICE PROMOTION LIST:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

FREDERICK A. MECKE, OF FLORIDA

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

ALAN H. ARBUCKLE	JAMES E. OLSON
KATHERINE H. CIACCO	TAMIKO N. OLSON
PATRICK H. DAVID	KENNETH SOWINSKI
KAREN L. PARKO	PAUL H. STEVENS
MARY C. PORVAZNICK	MICHAEL G. WILCOX

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

JAMES R. ALLEN	EDWARD D. MARTIN
SAMUEL BRODER	BERNARD MOSS
JAMES W. CURRAN	FRANK E. YOUNG
JEFFREY P. KOPLAN	

To be senior surgeon

MITCHELL L. COHEN	MARK W. OBERLE
STEPHEN P. HEYSE	STEPHEN B. PERMISON
SAMUEL L. KESSEL	GERALD V. QUINNAN, JR.
CHARLES Q. NORTH	

To be surgeon

PAUL J. SELIGMAN	ROBERT V. TAUXE
------------------	-----------------

To be senior assistant surgeon

ANDERSON B. FUNKE

To be dental director

WILLIAM L. CLOUD, JR.	DONALD C. SMITH
WOODROW B. LACKEY	

To be senior dental surgeon

STEPHEN B. CORBIN	VICTOR A. PALMIERI
DUSHANKA V. KLEINMAN	WALLACE G. SMITH, III
WILLIAM R. MAAS	DANIEL L. SPETH

To be dental surgeon

HORACE HARRIS	MARK E. NEHRING
DAVID J. HERMAN	

To be nurse director

JOHN P. CROWLEY	CECELIA U. REID
ROSALYN T. CURTIS	

To be senior nurse officer

SANDRA B. COSTA	DEBORAH J. SHERMAN
MARIANNE M. DAVENPORT	

To be nurse officer

THEODORE W. CURRIER, III	DOROTHY J. SOLICK
JAMES C. MCCANN	MARILYN J. VRANAS
DEBORAH L. PARHAM	

To be senior assistant nurse officer

ELLEN J. KING	KITTY R. MACFARLANE
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To be engineer director

CHARLES O. DOWELL	NELSON A. LEIDEL
LARRY S. GAYNOR	GARY K. RADTKE

To be senior engineer officer

PAUL A. BOYS	ALBERT E. RACHAL, III
TERRY L. CHRISTENSEN	WINSTON A. SMITH
ROY M. FLEMING	GORDON H. WILCOX

To be engineer officer

JAMES G. HOPSON	MARVIN L. WEBER
WILLIAM B. KNIGHT	

To be scientist director

MARILYN A. FINGERHUT	NEIL L. SASS
DAVID G. HATTAN	DAVID T. TINGEY

To be senior scientist

RONALD F. CAREY	GEORGE P. HOSKIN
BRYAN D. HARDIN	

To be scientist

JOHN M. SPAULDING

To be sanitarian director

BRUCE R. CHELIKOWSKY

To be senior sanitarian

KENNETH W. HOLT	BARRY S. STERN
-----------------	----------------

To be sanitarian

JON S. PEABODY	RALPH T. TROUT
----------------	----------------

To be veterinary director

ROSCOE M. MOORE, JR.

To be veterinary officer

RICHARD F. CULLISON

To be pharmacist director

FREDERICK J. ABRAMEK	DONALD C. THELEN
DAVID A. APGAR	

To be senior pharmacist

THOMAS J. AMBROSE	JAMES C. MYERS
GERALD M. BURGE	ROBBIN M. NIGHSWANDER
ROBERT DECHRISTOFORO	FRANKLIN D.
JAMES E. EDGE	STOTTLEMYER
TERRANCE L. GREEN	FRANKIE L. SUTTON
SAMUEL M. HOPE	

To be pharmacist

GARY G. ADAM	PATRICK S. HOGAN
MARION T. BEARDEN	YANA R. MILLE
PATRICK O. COX	JAMES M. THOMPSON
MARILEE J. FIX	

To be dietitian director

CAROLYN C. BLACKWOOD

To be senior dietitian

BEVERLY G. CRAWFORD

To be dietitian

KAREN A. HERBELIN

To be therapist director

GENE A. DIULLO

To be senior therapist

GARY C. HUNT

To be therapist

IVANA R. WILLIAM

To be health services director

JAMES H. BRANNON, JR.	PATRICIA D. MAIL
JOAN E.P. HOLLOWAY	JAMES W. ROLOFSON
ROBERT C. JACKSON	

To be senior health services officer

GENE E. CARNICOM	LEE H. LOOMIS
JOSEPH GARCIA, JR.	EDWARD F. MANNY
JOHN R. HAMMOND	ROBERT J. OSTROWSKI
EARL H. HANDWERKER	JON M. RASMUSSEN

To be health services officer

VICTOR N. AVITTO	WESLEY W. CHARLTON
PATRICIA E. BROOKS	PAUL HEWETT
HAMILTON L. BROWN	WENDELL E. WAINWRIGHT

To be senior assistant health services officer

BEVERLY A. ROTH

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. ALVIN BRYANT, ~~xxx-xx-x...~~
 BRIG. GEN. JOHN H. CAPALDI, ~~xxx-xx-x...~~
 BRIG. GEN. JOHN H. CAPALDI, ~~xxx-xx-x...~~

To be brigadier general

COL. FRANK M. BROWN, ~~xxx-xx-x...~~
 COL. JOHN G. PAPPAS, ~~xxx-xx-x...~~
 COL. HERBERT KOGE, ~~xxx-xx-x...~~
 COL. EARL B. BURCH, ~~xxx-xx-x...~~
 COL. BILLY F. JESTER, ~~xxx-xx-x...~~

IN THE NAVY

THE FOLLOWING-NAMED CAPTAIN IN THE COMPETITIVE CATEGORY OF CHAPLAIN CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. DONALD K. MUCHOW, ~~xxx-xx-x...~~ U.S. NAVY
 IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 6379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 6379 AND CONFIRMED BY THE SENATE ESTABLISHED IN ACCORDANCE WITH SECTION 6374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE To be lieutenant colonel

MAJ. JOHN B. COOPER xxx-xx-x... 7/12/90
MAJ. JOHN DECROO, JR. xxx-xx-x... 6/10/90
MAJ. MARK FREDENBURGH xxx-xx-x... 7/15/90
MAJ. MICHAEL R. GOODMAN xxx-xx-x... 6/12/90
MAJ. BRIAN K. GRIFFIN xxx-xx-x... 7/11/90
MAJ. BRUCE D. HALVORSEN xxx-xx-x... 7/8/90
MAJ. JAMES B. HAMILTON xxx-xx-x... 7/8/90
MAJ. JOSEPH M. HARDISON xxx-xx-x... 7/16/90
MAJ. LARRIE B. HARDIN xxx-xx-x... 6/12/90
MAJ. DARRELL E. HART xxx-xx-x... 6/8/90
MAJ. MARK H. JONES xxx-xx-x... 7/20/90
MAJ. SYDNEY W.C.K. KELIPULELOE xxx-xx-x... 7/15/90
MAJ. ROBERT T. LINCOLN xxx-xx-x... 7/8/90
MAJ. DANIEL W. REDLIN xxx-xx-x... 7/14/90
MAJ. GLEN A. WEGWORTH xxx-xx-x... 7/8/90

NURSE CORPS

To be lieutenant colonel

MAJ. SUSAN M. TOMKA xxx-xx-x... 6/9/90

DENTAL CORPS

To be lieutenant colonel

MAJ. LAWRENCE K. RAY xxx-xx-x... 7/15/90

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. PAUL D. BOESHART xxx-xx-x... 7/7/90
MAJ. WILLIAM M. EKADIS, II xxx-xx-x... 6/29/90
MAJ. JOHN R. HALUCK xxx-xx-x... 7/7/90

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 563 AND

8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 563 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. GEORGE W. BOWEN xxx-xx-x... 5/1/90
MAJ. WILLIAM J. BURNS xxx-xx-x... 5/15/90
MAJ. RONALD E. CARDIN xxx-xx-x... 5/5/90
MAJ. BERNARD E. COX JR. xxx-xx-x... 5/1/90
MAJ. JOHN G. COZAD xxx-xx-x... 5/10/90
MAJ. JOHN C. FARRELL xxx-xx-x... 4/8/90
MAJ. JOHN B. HANDY xxx-xx-x... 5/23/90
MAJ. EDWARD A. HASLER xxx-xx-x... 4/16/90
MAJ. RICHARD B. MARINO xxx-xx-x... 4/2/90
MAJ. CRAIG R. MCKINLEY xxx-xx-x... 5/16/90
MAJ. WENDELL W. PARMER xxx-xx-x... 5/9/90
MAJ. RONNIE C. PORTIS xxx-xx-x... 5/30/90
MAJ. JEFFREY D. SCHJODT xxx-xx-x... 5/19/90
MAJ. KARRIE E. SINKAVICH xxx-xx-x... 4/26/90
MAJ. MILLARD F. SLOAN JR. xxx-xx-x... 4/16/90
MAJ. JAMES E. THORNELL xxx-xx-x... 5/5/90
MAJ. DEAN F. WHEELER JR. xxx-xx-x... 5/6/90
MAJ. DAVID S. ZELENOK xxx-xx-x... 4/8/90

MEDICAL CORPS

To be lieutenant colonel

MAJ. WILLIAM J. DUNN xxx-xx-x... 5/5/90
MAJ. JAMES R. HILDEBRAND xxx-xx-x... 5/6/90
MAJ. SAMUEL R. SCARBRO xxx-xx-x... 4/18/90
MAJ. PAUL M. STROMBOG xxx-xx-x... 5/5/90

DEPARTMENT OF COMMERCE

PRESTON MOORE, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE. (NEW POSITION)

CONFIRMATION

Executive nominations confirmed by the Senate April 11, 1991:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.
JIM E. TARRO, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

NICHOLAS F. BRADY, OF NEW JERSEY, TO BE U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR TERMS EXPIRING AT THE END OF THE FIRST SESSION OF THE 102D CONGRESS:

ARTHUR LEVITT, JR., OF NEW YORK
ROBERT D. STUART, JR., OF ILLINOIS
ALEXANDER B. TROWBRIDGE, OF THE DISTRICT OF COLUMBIA

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SPEECH BY JOHN BRADEMAs,
PRESIDENT OF NEW YORK UNI-
VERSITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to an excellent speech delivered by my close friend and former colleague John Brademas, the president of New York University, who so ably served the people of the Third District of Indiana for 22 years and served with distinction for 4 years as the majority whip of the House. His speech, "Economies in Transition: Management Training and Market Economics Education in Central and Eastern Europe," warrants the attention of all who are interested in the success of United States assistance programs to the new democracies of Central and Eastern Europe.

The text follows:

A MOMENT TO SEIZE: A U.S. PARTNERSHIP FOR
MANAGEMENT TRAINING AND MARKET ECO-
NOMICS EDUCATION IN CENTRAL AND EAST-
ERN EUROPE

(Address of John Brademas, President, New
York University)

We meet at an extraordinary moment in world affairs. We are witnessing the defeat of a savage aggressor who ruthlessly invaded and plundered a small neighbor. The campaign against Saddam Hussein is successful in large part because of President Bush's skill in building, under United Nations auspices, an international coalition. We must all hope that the war is brought to an end swiftly and with minimum casualties and that we can soon turn to the difficult task of building a structure of stability in the Middle East.

Mesmerizing as is the drama in the Persian Gulf, we cannot permit it to divert our attention from developments elsewhere in the world which will profoundly affect the shape of the next decade and the new century ahead.

In the Baltics the crackdown by leaders of the Soviet Union signals a retreat from glasnost and perestroika as the peoples of that country struggle with massive, deep-seated internal problems.

In the Third World, millions cry out for freedom and for decent living standards.

In the People's Republic of China, repression of dissent and reversion to hardline ideology and practice darken hopes for progress in that vast nation.

In South Africa, the hated, and hateful, system of apartheid is crumbling but there, too, the path to a just society will not be smooth.

But it is a challenge of a different kind that brings us all here tonight and tomorrow—nothing less than the drive, after four decades of Communist rule, of the peoples of Central and Eastern Europe, to establish free and democratic political institutions and free, market-oriented economies.

The purpose of this conference is, therefore, a noble one and I want to commend its organizers on a creative and significant initiative:

Deputy Secretary of State Lawrence Eagleburger,

Deputy Secretary of the Treasury John Robson,

Chairman of the Council of Economic Advisers Michael Boskin,

Administrator of the Agency for International Development Ronald Roskens, and Bruce Gelb, Director of the United States Information Agency.

I pay tribute also to the leadership on this vital question of a distinguished Member of the United States House of Representatives, Congressman Martin Frost of Texas.

A PERSONAL COMMITMENT TO INTERNATIONAL EDUCATION

It is a privilege to appear before such a distinguished audience of so many leaders of American business and industry, foundations and private international organizations as well as officials from Federal agencies closely associated with Central and Eastern European relations. I am pleased as well to note the outstanding representation of my colleagues from the academic world, and, of course, I offer a special welcome to our many eminent guests from abroad.

I am, for several reasons, pleased to have been invited to speak at this opening session.

First, as a Member of Congress for twenty-two years, including four as Majority Whip, I was involved with matters affecting U.S. relations with Europe over a period extending from the Eisenhower era through the Carter years. I also sat on the House committee with principal responsibility for education at all levels—schools, colleges and universities—the arts and humanities, museums, libraries and other institutions of learning and culture. Indeed, in 1966, I was chief sponsor of the International Education Act, aimed at encouraging more attention to international studies in this country.

Second, for over a decade I have served as president of the largest private university in the United States—New York University, with some 47,000 students in 13 schools, colleges and divisions and an annual operating budget of \$1.1 billion. Our proud tradition as educator of immigrants and their sons and daughters began when NYU first welcomed newcomers from Europe more than a century and a half ago. Today NYU operates programs in countries around the world, including more than a dozen in Europe.

Third, both as a Member of Congress and since, I have on a number of occasions visited Poland—I may observe that my wife is of Polish descent—Czechoslovakia, Hungary, Romania, Yugoslavia, East Germany and the Soviet Union. In 1979 Speaker O'Neill appointed me to lead a delegation of seventeen Members of Congress to visit the Soviet Union to meet in the Kremlin with members of the Supreme Soviet. In fact, we were the first American political leaders to meet Eduard Shevardnadze, in Tbilisi, when he was party chief of Georgia.

Here let me note that an important interparliamentary dialogue with the newly elected legislative leaders of Central and

Eastern Europe is headed by Congressman Frost. He is chairman of a congressional task force, appointed by Speaker Tom Foley, which visited Prague, Budapest and Warsaw last year and made recommendations to assist the development, in those and the other new democracies, of effective national legislatures.

And if I may be permitted a personal aside, I recall another trip, over twenty-five years ago, to Yugoslavia, where, as a young Congressman, I encountered a young Foreign Service officer, a friend of many years, Larry Eagleburger.

A final, and telling, reason I was pleased to accept Bruce Gelb's invitation is a philosophical one—my firm conviction that there is a close and intimate relationship between open, competitive economies and free and democratic political institutions.

A CALL FOR PARTNERSHIPS

This vital linkage is aptly described in the current issue of the journal *Foreign Affairs*, where author William Pfaff writes: "The radiance of Western justice and success is the power that caused the east European nations and the Soviet Union to abandon what they were and attempt to become what we, the democracies, have made of ourselves . . . It is a moment to seize."

It is, indeed, this "moment" that brings us together—from both sides of the Atlantic; from the public and private sectors; from the worlds of business, academia, foundations and government—the moment to consider how best to encourage democracy and market reform in the newly liberated nations of Eastern and Central Europe.

When I began these remarks, I listed crises in various parts of the globe. To round out the context from which I speak, I must also note certain unpleasant realities here in the United States.

We Americans face a burgeoning array of problems of our own, from combating crime and drugs to cleaning up the environment, from fighting AIDS to dealing with homelessness, from reinvigorating a listless school system to reigniting a stalled economy.

Worse, our ability to finance the immense efforts necessary to address these troubles has progressively deteriorated. The cost of the Mid-East war, soaring toward \$1 billion a day, has sharpened the contours of a deepening recession and poured kerosene on the fires of a \$300 billion deficit in a Federal budget already strained by the cost of the savings and loan bailout.

Despite our domestic dilemmas, we cannot ignore our obligations abroad, particularly when they embrace goals so long sought and so eminently desirable as assisting the nations of Central and Eastern Europe in setting up market-based economies and free political institutions.

Our task, it seems to me, is to determine, in this respect, the appropriate role of the United States. Given the nature of the challenge and the limits of our financial means, I want to assert, as clearly as I can, two fundamental principles.

First, if Americans are to be effective in contributing to democratic practices and market economies in Central and Eastern

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Europe, we must forge in this country a creative, innovative, broad-scale partnership that will command the talents and energies of American business and industry, private foundations, colleges and universities, and the Federal government.

Second, some of the resources of that partnership must be targeted squarely on management training and education in market economics. Without knowledgeable practitioners, market economies and democratic regimes in Eastern and Central Europe can neither be successfully introduced nor developed.

The reasons we in the United States should forge such a partnership, among ourselves and with our European colleagues, must be obvious. Not the least is that at our best, Americans are champions of free peoples and open markets. Clearly, such a policy of partnership is in our national interest as a world power. And finally, a politically and economically vibrant Central and Eastern Europe affords opportunities for American business and industry. Whether trade, investment or multinational ventures, promising new fields ought not to be left solely to other industrialized countries.

We recognize, of course, that the European Community can be expected to play a major role in the transformation going on within its neighboring nations. This is natural, given proximity and history. EC involvement is also a financial imperative as the United States can provide only limited aid.

We welcome initiatives on the part of Western Europe, Japan and others. But I reiterate that I would not wish to see a resurgent Central and Eastern Europe in which the major contributions came only from Germany and Japan. The United States must be a partner, too, and a continuing presence, in the economic revival of that vital heartland.

A CRUCIAL ROLE FOR COLLEGES AND UNIVERSITIES

Our contribution need not come only from the government, which is why I have urged the creation of a broad-based partnership. Nor must our participation always take the form of cash. We have much else of value to offer.

As fundamental to economic development as roads, bridges, tunnels, power and communications is the indispensable element of brainpower—trained minds, skilled managers, educated leaders.

The development of competitive economies in Central and Eastern Europe will depend in no small part on how rapidly and effectively new managers can be trained and new knowledge imparted. You and I know the conceptual problems in these countries. What is a free market? How does it work? We know, too, the lack of basic skills required to operate in a market economy. How to set up a business, calculate profit and loss, perform basic accounting, establish production and marketing goals—all these functions require education and training.

In an article in the current issue of *The Atlantic Monthly*, entitled, "The REAL Economy," Robert B. Reich of Harvard celebrates the crucial role of education in society. He writes:

"Increasingly, educated brainpower—along with roads, airports, computers, and fiber-optic cables connecting it up—determines a nation's standard of living. In the emerging economy of the twenty-first century only one asset is growing more valuable as it is used: the problem-solving, problem-identifying, and strategic-brokering skills of a nation's citizens. [I]ntellectual capital has become a uniquely important national asset."

Certainly one source of education and training in Central and Eastern Europe will be American business and industry as American firms become more actively involved there.

I note, for example, the purchase by General Electric of a half-interest in Tungsram of Budapest, a tentative agreement by General Motors to buy a plant in Slovakia, the purchase by Sara Lee of a controlling interest in Compack, third largest food company in Hungary.

Such acquisitions in Central and Eastern Europe bring with them both an infusion of American business management skills and education in market economics. These capabilities may be imparted either by on-the-job example or in formal training sessions set up by the companies.

Even as each corporation will tailor in-house instruction to fit its own needs, broad-gauged programs of education remain the province of colleges and universities. In the United States there are some thirty-five hundred institutions of higher learning with an enormous diversity of academic strengths. At New York University, for example, we offer courses and carry out research in subjects ranging from business to law, from the humanities to medicine, from the performing arts to computer science. And we are particularly strong in European area studies.

Here I must return to the concept of partnership, for although institutions of higher learning can supply the expertise, they are unable, as nonprofit organizations, to subsidize assistance projects. Universities must depend on support from such sources as the SEED program of the Federal government.

SEED: THE PARTNERSHIP AT WORK

SEED is, of course, the acronym for the Support for Eastern European Democracy Act, first passed in 1989, an initiative in which Congress had a strong role, and which is a main focus of this conference.

SEED essentially represents the commitment of the American people to helping the democracies emerging as the former Communist-controlled countries develop free political institutions and market-oriented economies. The legislation is an umbrella for a variety of assistance programs directed at housing, agriculture, environment, medicine and trade as well as private sector activities.

To carry out the purposes of SEED, Congress appropriated \$370 million for fiscal 1991, an increase of \$90 million from the year before. SEED projects have benefited Poland, Hungary, Czechoslovakia, Romania, Bulgaria, Yugoslavia and East Germany. This support has provided food, children's relief, humanitarian aid, parliamentary orientation, trade and business connections, water pollution control training and student exchange.

Here I note that in both the House and Senate reports accompanying the appropriations for SEED for fiscal 1991, Congress emphasized several specific uses of the funds. Among these uses was a program to provide practical business management training to the nations of Eastern Europe. Activities in both the United States and the home countries were encouraged.

Two sponsors of this conference, the Agency for International Development—AID—and the United States Information Agency—USIA—are leading the efforts to implement SEED.

I believe colleges and universities in the United States can play a major role here.

Indeed, my own institution, New York University, through our School of Continuing

Education, has launched two programs. Not only because I believe our projects strong and carefully crafted but also, I respectfully submit, because I believe them models of the kind of partnership of which I have been speaking, I should like to say a word about them. Here let me note that our NYU School of Continuing Education, one of the largest in the United States, has for more than 70 years served those who, while pursuing their education, may also hold down jobs and support families. Here, through flexible study arrangements, one may work toward a degree or learn any of a wide range of trade or professional skills. The School today, under Dean Gerald Heeger, offers some twenty-five hundred courses; approximately fifteen thousand persons take classes each semester.

Both our projects would be coordinated through the office of Polish Deputy Foreign Minister Antoni Kuklinski and undertaken in cooperation with the University of Poznan and the Institute of East-West Business Dynamics, an American organization formed by business, academic and public sector leaders seeking to encourage U.S. trade with the Soviet Union and Central and Eastern Europe. The Institute is chaired by a distinguished former United States Ambassador, Angier Biddle Duke.

Let me describe these projects briefly.

Under the first, designated, "Management Training and Economics Education Program in Eastern Europe," 250 people a year, in groups of 50 each, would be brought to the United States for intensive seven-week courses on our campus. These persons would include executives, managers, union leaders, entrepreneurs, government officials, university faculty and technical school instructors. Attendees would be expected, on their return to Poland, to pass their freshly acquired know-how on to others.

This "teach the teacher" aspect makes the program not only a renewable resource but an expandable one. It can exert a tremendous multiplier effect.

Classroom lectures and workshops would cover managing, marketing, finance, law, data management and analysis. To see consumer choice functioning in the marketplace, our guests would go on field trips to retail stores, industrial suppliers, the New York Stock Exchange and a wholesale food distribution facility, among other examples of the free market system.

Finally, each participant would be placed in an internship with a business firm where he or she can observe a manager, owner or business professional responding to the daily demands of a competitive market.

NYU faculty members would visit Poland annually to provide follow-up instruction to those who completed the New York phase and to conduct seminars for new groups of trainees.

A permanent international computer link would be set up, making our faculty and staff available on-line to consult on market transition problems in Poland. The network could also spur the development of an electronic learning community among Polish business managers.

Our other project would take the form of a six-week, intensive training program at the University of Poznan taught by NYU faculty. How-to-do-it techniques and modern business practices would be emphasized. The instruction would be targeted on thirty-five business school faculty and entrepreneurs in undergraduate and graduate programs, technical schools and institutes in Poland.

Here I applaud the efforts of other universities in the United States which have developed, or are developing, their own plans to

offer management and marketing education in the countries of Central and Eastern Europe, and I would encourage other institutions of higher learning to do so.

Let me conclude my remarks with an observation on the public-private partnership I have so vigorously advocated and the great significance I assign to it. We all realize that after nearly three generations of command economies and authoritarian governments in Central and Eastern Europe, there are massive obstacles to the establishment of parliamentary democracies and market-based economies. To achieve these goals will be neither simple nor easy. But to do so is essential.

Surely the task of consolidating free and democratic governments in the nations of Central and Eastern Europe and transforming their economies demands the efforts of us all in this country—business and industry, foundations and universities and the Federal government—a genuine partnership.

And indispensable to the success of this partnership is * * * education.

That is why I recall tonight the solemn words of the philosopher Alfred North Whitehead: "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe our race, the human race, is doomed * * * so long as we recognize the value—indeed, the necessity of trained intelligence and insist on the resources to support it.

REMARKS BY BENJAMIN MEED,
CHAIRMAN, WARSAW GHETTO
RESISTANCE ORGANIZATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GREEN of New York. Mr. Speaker, I should like to share with my colleagues the comments of my constituent, Benjamin Meed, chairman of the Warsaw Ghetto Resistance Organization [WAGRO]. I believe you will find Mr. Meed's remarks, given before a gathering of American Jewish Holocaust Survivors in New York City on April 7, 1991, to be of interest. The text of Mr. Meed's statement follows:

REMARKS BY BENJAMIN MEED, CHAIRMAN,
WARSAW GHETTO RESISTANCE ORGANIZATION
Distinguished Guests, Ladies and Gentlemen, Fellow Survivors,

We are together again to say Kaddish B'tzibur, to remember our past and to reaffirm the Jewish future, to assert our solidarity with the people of Israel.

We are here to remember the victims—husbands separated from their wives, children torn from their parents, joined again only in death. Lovingly we recall their lives, their *mentshlekheyt* and their courage in the face of the brutal conditions of the ghettos, the forests and the Nazi death camps.

We meet again to tell the world that we have not forgotten how we were betrayed and abandoned by a world of indifference, that we shall never forget Auschwitz, Treblinka, Majdanek, Buchenwald, Sobibor. That we shall never forget the Warsaw Ghetto and all the ghettos and camps saturated with Jewish blood.

Today, on the 48th anniversary of the Warsaw Ghetto uprising, on this collective remembrance day, we ask ourselves, Can it happen again?

Imagine that 50 years after the Holocaust, a dictator threatens to turn Tel Aviv into a crematorium. The gas is German gas; the missiles are made in the Soviet Union. And were it not for the State of Israel, the nuclear weapon would have been a French nuclear weapon.

But hopefully, it will not happen again—because there is Israel, and because Israel's great ally is America.

All of us saw the TV pictures during the Gulf War—Jews huddling in sealed rooms, mothers cuddling frightened children, families putting on their gas masks. It was a riveting, a painful experience as we saw the Scuds flashing in the evening sky over Israel. Here was the enemy that had threatened to destroy the Jews, many of them survivors of the Holocaust with their sons and daughters and their grandchildren.

I was in Israel during those days. I shall never forget our arrival. The airport was empty. All the world's airlines had stopped flying to Israel except El Al. We were greeted cordially—but immediately handed gas masks. When the Scuds came, I too entered the sealed rooms, wearing my gas mask, prepared—as all of Israel was prepared—for the worst.

Israel was ready and eager to attack the missile sites, held back only because President Bush asked the Israeli leaders to exercise restraint. At the same time, America took to battle. Instead of indifference there was action—Operation Desert Storm. American Patriot batteries were rushed to Israel. Israeli and American soldiers worked together to shoot the Scud missiles out of the sky. The brutal dictator was defeated before he could carry out his threat to scorch the soil of Israel.

Meanwhile, in Eastern Europe, anti-Semitism is still alive. Communism has collapsed, but in its stead rightwing nationalism has taken over. But Jews are not abandoned today. Israel stands ready to receive every Jew. And our people are coming today even as they came during the Scud bombings, when their first act upon landing in Israel was to put on a gas mask.

Could there be a more dramatic demonstration of Israel's significance in the life of the Jewish people—that thousands of immigrants continued to pour into a country under nightly missile attack, and that the people of Israel opened their doors and their hearts to welcome them in the face of terror from the skies?

We have watched this modern Exodus with a feeling of great pride—but also with envy because when we were in need, there was no Israel and the free world was closed to us. We lived in total isolation, abandoned by all, forgotten by all. Today the abandonment of the Jews is history, part of the past, not the present.

One reason for this change is that we remembered. We refused to forget or let the world forget. America heard the voices of the survivors and remembered. President Bush, his advisors and the American people understood what was at stake in the Persian Gulf, and we acted to confront and to defeat the tyrant. Miraculously, the victory was swift and the casualties our forces suffered small. Today, as we honor the heroism of the American troops, and as we mourn the fallen U.S. soldiers, let us also remember whom we can trust—and with whom we can share American weapons. Today we know that our courageous soldiers won the war, but we have all the reasons to be concerned what the peace will bring.

Will pouring more billions of dollars worth of arms into Saudi Arabia make the region

safe? Will Syria be convinced to expel the terrorists whom it has sheltered, protected, paid, trained and armed? Will Kuwait be persuaded to lift the economic boycott of Israel? Let us remember who America's real friends are, before another Middle East arms race begins. Let us not forget that Israel is the proven, trusted ally.

On this, the 48th anniversary of the Warsaw Ghetto uprising, we have much to remember—and also much to look forward to. Within the next two years great museums will open in Washington, in Los Angeles, and here in New York, dedicated to teaching the lessons of the Holocaust—that hatred must be confronted and not ignored; that the oldest form of racism is anti-Semitism; that singling out Jews as victims offers no safety for other religious, racial or ethnic minorities, or for civilization itself.

We have grave responsibilities, but little time. We have accomplished much, but there is much more we must do to document our own fate—and the story of how we rebuilt our lives.

Even as we are gathered here to remember the monstrous murder of six million Jews, and to give thanks for the success of Operation Desert Storm, the news today makes us concerned about the fate of the Kurds and the Shi'ites of Iraq—the victims of a contemporary slaughter by their own murderous ruler, Saddam Hussein.

As Jews, we have pledged "never again." But we never meant ourselves only. For we have learned that hatred is not confined to Jews alone, that once let loose the poison spreads—to others. We who came back from the pit of hell have known the cruelty of silence and indifference.

On this Day of Remembrance, let us speak out and let us act so that there will never again be another Holocaust of any people of any faith or any race. This is the lesson that is part of our yet unfinished task to teach the world to be on guard so that the unthinkable should not be possible again.

Remembrance, said the Baal Shem Tov, is the secret of redemption. Let us work together, then, so that the world will remember and understand what happened to us, so that it will never happen again, to anyone anywhere. Let us remember!

PROTECTING U.S. PATENTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, American today can be proud of her leading world position in biotechnology, one of the most promising high-growth industries as we enter the 21st century. Particularly in my home State, biotechnology companies provide an increasing number of high-paying jobs and are one of the new cradles of American technology innovation. If we hope to afford this vital industry at least the minimal patent protection it deserves, we must be cautious that in international negotiations we do not trade away the very patent rights that help grow such dynamic, high-risk companies.

I commend to my colleagues' attention the following article, "Bartering Away American Biotechnology: The Coming Erosion of U.S. Patent Protection," which brilliantly lays out the core issues facing U.S. trade negotiators,

and the devastating impact a reversion of U.S. patent law could have on one of our most critical industries. Giving away the basic protections that ensure a competitive and creative American biotechnology industry would be short-sighted and irresponsible, and it is my hope that we heed the warnings of these prescient authors.

**BARTERING AWAY AMERICAN BIOTECHNOLOGY
THE COMING EROSION OF U.S. PATENT PROTECTION**

(By Lloyd R. Day, David M. Madrid and
James R. Batchelder)¹

Will the United States trade away its dominant position in biotechnology at the bargaining table of upcoming international trade negotiations?

Just as Japan and Europe struggle to catch and overtake America's scientific and industrial leadership in biotechnology, the U.S. Government is considering drastic changes in U.S. patent and trade laws, changes which could irretrievably tilt the competitive balance in favor of America's foreign competitors.

The finishing touches to The Hague Patent Harmonization Treaty should be complete by June of this year, and many authorities believe the U.S. Government will buckle under to mounting international pressure to jettison certain long-standing features of American patent law that favor American inventors over their Japanese and European counterparts. The coming year may also see the elimination of a potent International Trade Commission (ITC) remedy currently available exclusively to domestic innovators to protect against the unfair trade practices of foreign importers. Finally, by year's end the General Agreement on Tariffs and Trade (GATT) may also be modified, posing a further threat to America's high technology industries.

American biotechnology companies are no longer competing with their foreign counterparts simply in the marketplace. For better or worse, they now find themselves also competing with both local and foreign interests to fashion the rules by which domestic and international trade will be conducted. The stakes are high, and the far-reaching domestic and international implications of the changes currently being proposed will mandate a much closer partnership between entrepreneurs, scientists and lawyers to successfully navigate these uncharted waters.

PATENT LAW HARMONIZATION

A major international push is underway to "harmonize" American patent law with that of its trading partners, most notably Japan and Europe. In essence, the U.S. is being asked to abandon its current patent law. Such harmonization would eliminate one of the most distinctive features of U.S. patent law, the pro-innovator "first-to-invent" rule, in favor of the Japanese and European "first-to-file" rule. Harmonization would convert America's race to invent and innovate into a race to file.

No one contests that a first-to-file rule would profoundly impact the American biotechnology industry. Proponents of harmonization contend that a first-to-file rule would make world markets more accessible to American entrepreneurs. They suggest that by forcing American innovators to concentrate on being first to file for patent protection

in the U.S., harmonization would for the first time stimulate American innovators to win first-to-file races abroad. It is further argued that America's adoption of foreign patent laws would place American innovators on an "even playing field" in foreign patent prosecutions and litigation. Additionally, proponents of harmonization denounce the expensive and protracted interference proceedings necessitated by the American first-to-invent system.

Critics of harmonization observe that U.S. cultural, economic and legal incentives are in many ways calibrated to encourage innovation. The first-to-invent rule embodies that ethic by rewarding patents to those who are first to advance the "body of knowledge," even if they share their ideas with others before seeking to patent them. Within U.S. universities and research institutes, upon whom America has depended so heavily for much of its groundbreaking innovations in biotechnology, electrical engineering, superconductivity, and computer science, patent law harmonization would undercut the strong academic impetus to expand the body of knowledge by publishing promptly and freely innovative concepts as they occur. Under a harmonized patent system, such currently commonplace practices would result in the forfeiture of all patent rights unless, in each case, disclosures were preceded by a patent filing. Innovation can hardly flourish under a legal system whose principal incentive would be to "bottle up your ideas" before sharing them with others.

Furthermore, harmonization's critics point to its significant disadvantages to American biotechnology. The U.S. first-to-invent rule distinctly favors domestic inventors over foreign competitors, not only in obtaining U.S. patents, but also in successfully conducting patent interference, validity and infringement proceedings.

With a few minor exceptions, a foreign inventor cannot claim a date of invention under U.S. law based upon evidence of conception and reduction to practice occurring outside of the U.S. Only the filing of a foreign patent application can serve as evidence under U.S. law to establish the date upon which an invention was made outside the U.S. No other evidence of conception and reduction to practice occurring outside the U.S. can serve to establish a date of invention under U.S. law. Thus, foreign inventors are almost always limited to the date of their first patent filing as their date of invention. U.S. inventors are not so limited: they can offer evidence of conception and reduction to practice in the U.S. occurring prior to filing to establish a date of invention before their first patent filing. This rule creates two important advantages for domestic interests: (1) American inventors are given the opportunity to obtain a date of invention earlier than their first patent filing by offering evidence of their prior conception and reduction to practice in the U.S. and (2) foreign inventors are encouraged to invest their research and development resources in the U.S. in order to claim the benefits of prior conception and reduction to practice under U.S. law.

Additionally, critics of harmonization underscore the extent to which the first-to-invent rule has molded the American biotechnology industry's strategic approach to innovation and patent prosecution. The first-to-invent rule has afforded American innovators the opportunity to divide the patent process into two phases, focusing first on research and development, and second on pursuing a patent. Few small to mid-size

American biotechnology companies have the inclination or capacity to file for patents on inventions whose future profitability at the earlier stages of conception or initial reduction to practice is at best uncertain.

The financial and legal resources needed to exploit a "first to file" system will not only foment conglomeration of the American biotechnology industry, but will also favor foreign companies already adept at patent prosecution within the first-to-file world.

Moreover, the purported advantages of harmonization have been called into question. Although harmonization would force American high technology industries to become familiar with the patent laws now governing Japan and Europe, this would not guarantee American innovators equal access to foreign markets. Critics of harmonization observe that the hostility of many foreign courts to patent applications and enforcement actions by American innovators has been matched only by the resistance of many foreign cultures to American products. Nor do the evils of American patent interference practice appear so daunting when one considers the advantages which the first-to-invent rule bestows upon domestic innovators.

ITC INTELLECTUAL PROPERTY JURISDICTION

One of the most effective remedies available to domestic innovators to protect against unfair trade practices is found in section 337 of the United States Tariff Act of 1930. Section 337 empowers the ITC to investigate alleged "unfair methods of competition and unfair acts in the importation of articles in the United States." If the ITC determines that an unfair act has been committed, it can issue a cease and desist order or an order excluding all infringing imports. In the overwhelming majority of Section 337 cases, the sole "unfair act" involved is a patent infringement.

In recent years, the Japanese and Europeans have exerted their increasing economic leverage in opposition to Section 337. Of particular concern to the Japanese and Europeans is the unavailability of any affirmative relief to foreign respondents in Section 337 proceedings. Equally distressing to the Japanese and Europeans are the extreme time constraints imposed by Section 337 proceedings. As a matter of law, most Section 337 investigations must be concluded within a year, and in no case later than 18 months, after the ITC's initiation of the investigation. Also under attack is the ability of domestic innovators to litigate simultaneous patent infringement claims before the ITC and the U.S. District Court.

As a result of the advantages afforded domestic innovators by Section 337, the Japanese and Europeans joined in a GATT complaint against the U.S. The GATT council adopted a GATT panel finding that Section 337 is inconsistent with the GATT. The U.S. chose not to block the GATT council's adoption of the finding and consequently is required to revise Section 337 to comply with the GATT. While many proposed revisions are under consideration, it is clear that domestic innovators are likely to lose the advantages once afforded by Section 337. The loss of this potent remedy will most likely occur by year's end.

THE GATT NEGOTIATIONS

Facing billions of dollars in lost exports due to piracy of American technology, the U.S. for several years has been attempting to include intellectual property standards in the GATT. The basic proposal has been to establish a minimum standard of intellectual property protection with which member

¹ Messrs. Day, Madrid and Batchelder are trial lawyers with Cooley Godward Castro Huddleston & Tatum in Palo Alto, specializing in technology litigation, principally for the biotechnology industry.

countries must comply by enacting satisfactory national laws.

The intellectual property initiative, however, is not alone on the bargaining table, but finds itself grouped with the concerns of other U.S. industries. In fact, the initiatives of the American agricultural and textile industries have garnered the lion's share of GATT deliberations, and in at least one instance have brought the negotiations to a standstill. Should the Uruguay Round resume, it is feared that U.S. negotiators, pressured to conclude the negotiations this year, will be influenced to trade away protection for American intellectual property in favor of competing domestic interests.

WHO WINS, AND WHERE DO WE GO FROM HERE?

Many observers believe that patent law harmonization and the changes to ITC jurisdiction and the GATT are inevitable. The crucial questions remain whether the U.S. will gain as much as it concedes in arriving at these changes, and how this bartering will affect American biotechnology.

After decades of virtually unrestricted access to American technology, our Japanese, European, and other trading partners finally profess interest in negotiating standards for intellectual property protection. They in essence propose that the U.S. give up its first-to-invent patent system and ITC jurisdiction in exchange for a more "even playing field" by affording American innovators meaningful and promptly enforceable patent protection in foreign markets.

What are the realities of this proposal? Will the U.S. trade away effective and certain domestic protections in return for promises by our trading partners that they will impartially and promptly enforce their existing patent laws? Does our experience with such promises in the past give us confidence in their fulfillment today?

Because the tangible benefits to U.S. industry of foreign promises to level the playing field for American industry are far from certain, America's trading partners could offer a much more attractive *quid pro quo* by eradicating existing laws and policies which have proven detrimental to American high technology industries. For example, as but one very important concession America could seek in return for adoption of the Hague Patent Harmonization Treaty, Japan could be required to drop its long-standing refusal to sign the 1970 Hague Convention on Taking Evidence Abroad in Civil and Commercial Matters. This concession would eliminate the enormous impediments American litigants now encounter in seeking discovery of Japanese witnesses and their documents in U.S. litigation.

The tendency of America's trading partners to make promises, rather than take concrete action, is cause for concern. Trading proven advantages for uncertain gains rarely proves to be any bargain at all.

Loss of the first-to-invent rule and section 337 will have real and direct consequences for the American biotechnology industry, and many other domestic industries as well. They can expect to see (1) a significant increase in the number of foreign infringement plaintiffs in U.S. courts, coupled with an increase in the winning percentages posted by foreign litigants; (2) a distinct advantage to larger and better financed firms equipped to win the first-to-file race; and (3) a period of adjustment in which foreign biotechnology companies will undoubtedly prove more adept at exploiting the newly "harmonized" U.S. patent system than their American counterparts.

Biotechnology companies can minimize the impact of these changes only by thoughtful long-range strategic planning on two levels. First, biotechnology entrepreneurs, inventors and counsel must rethink and restructure their approaches to innovation, patent issuance and litigation. In particular, they must develop the means to win first-to-file races and to achieve their objectives in a changing legal landscape.

Second, the U.S. biotechnology industry must recognize that it has become largely vulnerable to a political process shaped by competing foreign and domestic interests with proven success at influencing and shaping the changing rules of competition. Absent vigorous lobbying efforts on a concerted front, the American biotechnology industry, much like the semiconductor industry before it, may fall victim to shortsighted policy makers playing fast and loose at the international bartering table.

SALUTE TO OFFICER JAY CARROTT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Senior Officer Jay Carrott, who recently was named the "Police Officer of the Year" by the Simi Valley, CA, Police Department.

As the former mayor of Simi Valley, and a resident of the city for more than 20 years, I am especially proud to be able to share Officer Carrott's accomplishments with my colleagues.

Jay didn't earn this award—selected each year by his fellow officers—for any one accomplishment. Instead, he earned it for his day-in, day-out performance in one of society's most demanding occupations.

A full-time officer for just 4 years, Jay dreamed for years of a career in law enforcement while working for a major corporation. Finally, despite the financial sacrifice the move involved for himself, his wife, Amy, and their three children, he decided to fulfill his dream. It's a decision that has benefited both Jay and the residents of Simi Valley.

Jay is a member of the special weapons team, and in fact was injured in the line of duty last year when he broke through a window to save a man from shooting himself. He has received numerous commendations from the community for his dedication and skill in carrying out his duties.

Mr. Speaker, I ask my colleagues to join me today in honoring an outstanding police officer and an outstanding man, Officer Jay Carrott.

RECOGNITION OF LT. COL. LINWARD APPLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, an outstanding soldier who has led the ROTC unit at Lincoln University, Jefferson City, MO, retired from active duty April 1, 1991. Since Lt. Col. Linward

Appling assumed his duties as a professor of military science at Lincoln University in 1985, the ROTC unit has won numerous competitive awards and has become a leading provider within our State of second lieutenants for the U.S. Army, both Active and Reserve.

Lt. Col. Linward Appling ends a most remarkable career. He was born in Roberta, GA, and is a 1961 graduate of Crawford County High School. He entered the Army in 1961 as a private and spent his first 9 years in the service as a noncommissioned officer. In 1970, he received a BA degree in social science, with emphasis in business, from Coker College, Hartsville, SC, and in 1975 an MA degree in political science, with emphasis in public and health care administration, from Wichita State University, Wichita, KS.

His initial assignment as an officer was with the 4th Battalion, 10th Infantry, Fort William D. Davis, Republic of Panama, where he served as platoon leader, company executive officer, assistant operation officer (S-3), and company commander. In 1971 he returned to Vietnam for his second tour of duty and served as a reconnaissance platoon leader and company commander in the T Infantry (Air Mobile), S Airborne Division.

Subsequent assignments include company commander at Fort Jackson, SC, the armor officers' advanced course at Fort Knox, KY, assistant professor of military science at Wichita State University, Wichita, KS, organizational effectiveness/organizational development staff officer, battalion operations officer (S-3), and executive officer with the 193d Light Infantry Brigade, Fort Clayton, Republic of Panama, and as the J-1 for the joint special operation support element and the deputy adjutant general of the U.S. Readiness Command, MacDill Air Force Base, Tampa, FL.

LTC Linward Appling's military education includes the Infantry Officers' Candidate School—1969, Airborne School—1975, armor officers' advanced course—1978, Command and General Staff College—1978, the organizational effectiveness/organizational development staff course—1982, the Armed Forces Staff College—1982, Military Personnel Officers' School—1985, and the Armed Forces defense computer science course.

His awards include the Bronze Star Medal, the Defense Meritorious Service Medal, the Air Medal, the Army Commendation Medal—three awards, the Army Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal—two awards, and several theater and service medals. He wears the Combat Infantryman's Badge and the U.S. and Korean Parachutist Badges.

He and his daughter Linda reside in Jefferson City, MO, and I am pleased that he will remain a resident of Jefferson City, MO, on the faculty at Lincoln University. He will head the Participants Training Program there. I know that the other Members join me in wishing Lt. Col. Linward Appling the best in the days ahead. He retires with the satisfaction of having contributed immeasurably not only to the U.S. Army during his years of service but also with the satisfaction of having been an inspiration to Army leaders of the future.

DICKSON STUDENT WINS FLAG DESIGN CONTEST

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, I ask my colleagues to join me in saluting a young man from my district who was recently honored in connection with National Youth Art Month. Alan Sholes of Waverly, TN, won the flag design contest sponsored by the Council for Art Education and joined the winners of other State contests for the flag raising ceremony here in Washington.

Alan is a talented young man. He represents well the sort of talented young person this program is designed to recognize and encourage. I know my colleagues will join me in wishing him well as he furthers his education. And I commend those in Tennessee, like Youth Art Month Chair Christina Campbell, and elsewhere for their support of this very worthwhile program. I look forward to working with them in the future to encourage the creative talent of more bright young Americans.

EVELYN LEA, DADE SUPER TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, every school district has those teachers who stand out. They stand out not because they seek attention, but rather, because their devotion to students speaks for itself. Ms. Evelyn Lea is one of those educators. She has taught for 25 years and presently devotes herself to the first grade students at Cypress Elementary in Miami. The Miami Herald recently recognized her as one of Dade County's super teachers in a March 24 article. That article follows:

As far as Evelyn Lea is concerned, first grade sets the stage for the rest of a student's school days. So she does her best to give all her kids a good start.

Lea, who teaches at Cypress Elementary, has launched hundreds of students on their way during her 25-year career. She believes each child is unique, and she makes an effort to treat them that way.

"The students don't forget her," said Marianela Valdes, assistant principal at Cypress. "She's very special. We have a lot of good teachers here, but she's one of our stars."

Lea also makes quite an impression on parents.

"She makes the kids feel good about themselves," said Sherri Hussey, whose daughter Kathryn is in Lea's class. "Most of the parents wish she could stay with the kids for the entire 12 years."

Lea, 58, sets high expectations for her kids and tries to draw out their creative talents through art, poetry and writing. Her classroom is lined with posters, drawings and poems done by the kids.

"I try to put myself in their place, and ask what I would want from a teacher," Lea said. "I try to get them to express themselves, because that opens the door to other learning."

Lea is soft-spoken and was obviously surprised when a reporter visited her class. It seemed the attention made her nervous.

"She doesn't look for a lot of recognition," said Valdes. "But she always goes above and beyond her duties as a teacher."

Lea said she's never wanted to do anything but be a teacher. Raised in North Florida, she got a bachelor's degree from Florida Atlantic University and a master's from Florida International University.

"My mom instilled a love of learning in me when I was very little," Lea said. "My parents encouraged me to teach and I never had any doubt that is what I would do."

Her first teaching job was at Pinewood Acres, a private school, in 1965. In 1970, she joined the Dade public school system, teaching at Olympia Heights Elementary. In 1976, she moved over to Cypress and she's been there ever since.

Although she's taught children at most elementary grade levels, Lea enjoys the first-graders most.

"They're so eager to learn," Lea said. "They're sensitive and they have such a loving manner. It's easy to mold them. But they can be very feisty sometimes."

Wednesday, she worked on reading with a group of six kids while the rest finished writing assignments. Feisty or no, it was a quiet and focused group of children.

"She's very nice to us," said Benny Tillinger, 7. "She gives us a lot of work but she doesn't yell at us."

Lea said she looks forward to getting a new group of students each year. She enjoys that almost as much as the constant visits she gets from former students, some of whom are now in college.

"This is what I love doing," Lea said. "I really do dread the day I have to retire."

I am proud to have Ms. Lea as an elementary school teacher in the 18th Congressional District of Florida. I have confidence that many teachers like her continue to believe that children are our future and that they are worth devoting our lives to.

TRIBUTE TO NICOLA ANTAKLI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Nicola M. Antakli. Mr. Antakli is being honored as World Trader of the Year by the World Trade Club of the Greater Detroit Chamber of Commerce.

Mr. Antakli is founder and president of Intraco Corp., a leading world trade company. Founded in 1971, Intraco is the major exporter of many industrial products to the Middle East. Among the products it exports are architectural and automotive glass as well as replacement auto and engine parts.

Mr. Antakli is also president of two other trading companies: Intraglas Corp. and Automotive Service Industries. He is president of Unitrade International, a real estate investment company. He also serves as a partner and board member for three additional firms, United Trading Establishment, Intraco [UAE] Limited and Saudi American Glass Co.

Mr. Antakli's successful ventures go far beyond his professional affiliations. He is a lead-

er in his community—one of those remarkable individuals who stretches his days to give substantial amounts of time to his profession, his community, his church and his family. To name just a few organizations in which Mr. Antakli is involved is to reveal the breadth of his interests. He is an active member of the Boy Scouts of America, the Antiochian Orthodox Christian Archdiocese of North America and the National Association of Arab Americans.

I commend Mr. Antakli on his exceptional community involvement and his professional achievements in international trade. It is critical for us, as a country, to become more competitive in the global economy of the 21st century. The foresight, enthusiasm, and commitment of innovative entrepreneurs like Mr. Antakli are key in achieving economic balance between the United States and our trading partners. These same qualities are vital to making our community a better place to live for all of us. I am confident of Mr. Antakli's continued success and know he serves as an inspiration to all of us.

SSI COMMUNITY LIVING AMENDMENTS OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. STARK. Mr. Speaker, today, Congressman ROBERT MATSUI and I are introducing a bill, the "SSI Community Living Amendments of 1991." It is a major piece of long-term care legislation that begins with the neediest segments of our population. It differs from other long-term care legislation because it applies a social rather than a medical model.

As its name implies, this bill uses the Supplemental Security Income [SSI] Program to identify eligible persons and to provide them with the help they need to stay in their own homes or in small group living situations—a setting which may provide a higher quality of life at a lower cost than institutionalization.

When the SSI Program began in 1974, it served poor aged, blind, and disabled persons with a minimum income supplement. The number of SSI recipients—4.3 million people in 1975—has not increased dramatically—4.76 million people in 1990, but there has been a shift among the categories of people receiving SSI. In 1975, 53.4 percent of the persons receiving SSI received it only because they were 65 or older and met the other eligibility criteria. In 1990, only 30.5 percent of SSI recipients received it on the basis of their age only. The number of SSI recipients 80 years old or older did not decrease as much as recipients between the age of 65 and 79. This means that the SSI population today is primarily the frail elderly, the long-term disabled, and disabled children, who need home-based or supported living arrangements, including long-term nonmedical residential care. So, generally using SSI eligibility, this bill targets the poorest of the frail elderly and disabled.

We believe our bill supports a reconstituted Federal/State partnership to do the following: First, maintain the Federal role of a national

minimum income standard for the aged, blind, and disabled; second, create incentives for State assistance to low income aged and disabled who need additional assistance to maintain themselves in their own home or, if needed, in a supported-living long-term care arrangement; and third, establish cooperative Federal/State efforts to identify and correct instances where SSI and other vulnerable aged and disabled are living in inadequate and unsafe board and care residences or live in isolation with inadequate protective oversight.

In preparing this bill, the questions which were the most difficult to answer were: First. How many other people could an individual live with and still be eligible to receive this supplement? Second. Could anyone not receiving SSI be eligible to receive this supplement? Third. Who can be a provider of the regular assistance a person needs with their activities of daily living [ADL's]?

People on SSI reside in all types of living situations: in their own homes, in small and large group residences. We knew our bill would not be able to provide for all SSI recipients needing help with their ADL's. If we could enable people to stay in their own home and receive the help they needed there, the quality of their life would be better and it could be more cost efficient.

Then we struggled with how we could impose enforcement of standards for board and care homes, if we were targeting our funds to individuals living in their own homes or in other small group living situations.

It became clear that we could offer money to States to help them improve the board and care facilities and if they accepted this challenge, they could be eligible for additional money to help them supplement individuals who needed help with ADL's in order to stay in their homes or in small group residences. So that's what we did. We set the bill up with two parts: Title I—Income Supplements and Title II—Quality Assurance for SSI Recipients in Group Living Arrangements. If the States fulfill this section 1635 of title II, they will receive matching Federal funds to carry out title I.

In discussing the question—"Could anyone not receiving SSI be eligible to receive this supplement?" We knew we could be taking a small pot of money and trying to divide it among a greater number of people than we were when we started. However, we did not want to limit recipients to just the people now receiving SSI for a number of reasons, including the following:

State supplements already extend beyond SSI recipients;

Persons needing help with ADL's might have a monthly income a few dollars above the \$407 or \$610 limit but a monthly income below the amount a SSI recipient receiving a supplement provided by this legislation will have.

So, our bill does define eligible individuals to include poor people who have monthly incomes beyond the meager SSI allowance but whose income is not sufficient to meet their needs based on the individual determination of the value of the assistance needed.

The possibility for abuse and/or misuse of funds surfaced when we discussed the question—"Who can be a provider of the regular

assistance a person needs with their ADL's?" We conjured up worst case scenarios, that is a brother-in-law receiving money to provide regular assistance which consists of turning on a TV set and watching it. We knew we did not want our limited resources going to people we felt would be caring of people anyway. We certainly did not want to discourage people who help others for noble reasons. But, we also acknowledged that people who were not family or friends could be engaged to provide assistance and then fail to give it. We moved to the question—"if SSI money is personal income and individuals determine how to spend it, shouldn't the supplemental amount be treated in the same way?" In addition, the States are required to have a case management system, a plan of care for each individual and a system for a periodic review of services, which should provide safeguards against providers who do not deliver the needed services.

In many other areas, the bill, on purpose, leaves decisions to the States. States vary widely in what they provide as supplements to SSI. It makes no sense to bring everyone back to the starting line nor can we make sure all arrive at the finish. We can and do encourage all States to continue what they are doing and to move forward. We wanted to use existing structures that work; we did not want to impose new structures just to have uniform structures.

There are requirements the States must meet in order to receive funds under title I. These requirements identify systems to be developed as part of the comprehensive plan to implement the bill but leaves the development of these systems to the States. We believe the requirements allow flexibility, creativity and accountability, ingredients for a successful program.

Once the systems are in place and the program is operating, the States shall submit two reports yearly to the Secretary of Health and Human Services, one—a financial accounting of the funds and the second—data, in a uniform manner, on the characteristics of the individuals served by this legislation, including the types of residence which they live in and the monthly amount of assistance and the services provided.

While drafting the bill, we were able to consult frequently with the National Association of State Mental Health Program directors and with staff from the Congressional Research Service, the Center for the Study of Social Policy and the Mental Health Law project. We are extremely grateful for their interest, input, and encouragement.

Our bill establishes a capped entitlement program. There will be people who will advocate doing more than we have done. We believe our approach is reasonable and responsible.

A summary of our bill follows:

SUMMARY.—

TITLE I. ASSISTANCE TO INDIVIDUALS IN NEED OF CARE

1. It provides federal matching funds to States to give funds to or on behalf of aged or disabled individuals to assist them in obtaining services to maintain themselves in their own home or a non-medical residence in the community. Fifty percent federal matching would be provided and States would be required to maintain their current

level of expenditures for such assistance provided to such individuals.

2. Among the requirements for a State to qualify for federal matching funds are the following:

Have in place a system for establishing the criteria for targeting assistance to those individuals in greatest need for regular assistance.

Provide for a system of assessing the needs of individuals to determine the amount of assistance eligible individuals need on a regular basis for their activities of daily living related to the physical or mental limitations of the individual. Eligibility would be limited to SSI recipients and individuals just above the SSI income standard in a State but whose income is not sufficient to meet their needs based on the individual determination of the value of the assistance needed.

Have in place a case management system with respect to the individuals who would receive assistance which provides for the person managing an individual's case to develop a plan of care for the individual when required.

Have in place a case review system which reviews the appropriateness and amount of services being provided to individuals receiving assistance.

Have in place procedures and enter into an agreement with the Secretary to identify and investigate inadequate group care facilities.

3. Funds provided to the States under the program would be limited to assistance to eligible individuals living in their own homes or in small group living arrangements. The size limitations would include:

For the mentally ill, mentally retarded, or developmentally disabled, group residences not exceeding 16 people;

For the aged, group residences not exceeding 30 people.

(These suggested limitations are included in model board and care standards published by the Center on Legal Problems of the Elderly of the American Bar Association).

4. The program would be an authorized capped entitlement to the States (similar to the title XX Social Services program). The funds would be allocated to the State of the basis of the population of the State. The capped entitlement ceiling would be: FY 93, \$250 million; FY 94, \$500 million; FY 95, \$1 billion; and FY 96, \$1.5 billion.

TITLE II. PROTECTIVE SERVICES AND HOUSING QUALITY ASSURANCE AMENDMENTS

1. For the purpose of assisting States in identifying SSI recipients in unlicensed group living arrangements, the Social Security Administration would be required to provide States information which identifies non-medical residences where three or more unrelated SSI recipients reside.

2. It provides the option to the Social Security Administration to contract with a State, at the option of a State, to carry out some part of the Department's responsibilities related to making SSI or OASDI payments through a representative payee. This may include: identifying, investigation, approving and providing for the continuing accountability of representative payees.

3. It provides for grants to States related to the protective services and special housing assistance needs of SSI recipients and other low income aged, blind and disabled individuals. \$100 million for each of the four fiscal years 93-96 would be authorized for allocation to the States on the basis of the number of SSI recipients in the State. To qualify for funding a State would:

Be required to have procedures to identify, investigate and take action to protect SSI recipients found living in unlicensed board and care homes or other group living arrangements. The provision in current SSI law which reduces Federal SSI benefits if an individual is living in an unlicensed facility would be repealed. It would be replaced with this new requirement on a State as a condition of receiving these grant funds and the federal matching funds under Title I of this bill.

A State would have the option to utilize such funds to assist other groups of low income aged, blind and disabled individuals identified as in a particular need of obtaining housing assistance and other related services including, but not limited to the following:

Mentally ill denied care in nursing homes under the new nursing home screening program and those identified with priority housing needs in the federally assisted State Mental Health Planning program; and

Frail elderly with priority housing and protective services needs identified by State and Area Agencies on Aging.

THE DEATH OF A PIONEER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great sorrow and remorse that I speak of the death of Dr. Aris Allen, a prominent Maryland doctor, politician and close friend, and have taken much of this information from an article written by a free-lance writer Blaine Taylor.

Dr. Allen has been referred to by many as a pioneer for his accomplishments. Having quit school at the age of 14, Aris Allen worked various jobs until obtaining his high school diploma at the age of 27. He worked his way through Howard University Medical School and took part of this training in the Army. At the close of World War II, Dr. Allen chose Annapolis, MD to establish his practice.

At the time, Dr. Allen was only one of three black doctors in the city. Using the attic of his home, Dr. Allen built his own operating table and practiced medicine with his wife, Dr. Faye Allen, until 1982. From his humble beginnings, Dr. Allen eventually served as chief of staff for a period of time at Anne Arundel General Hospital.

In addition to his achievements in the medical field, Dr. Allen continued to involve himself in the interests of mankind and became involved in politics. As president of the local PTA, Dr. Allen was appointed to the county school board by the late Republican Governor, Theodore R. McKeldin. It soon became apparent that Dr. Allen's political career was well underway.

Aris Allen served several terms in the Maryland Legislature and was the first black chairman of Maryland's Republican Party. Thus becoming the only black chairman of any State Republican Party in the Nation. Dr. Allen was also a candidate for Lieutenant Governor when he was the running mate with U.S. Senator J. Glenn Beall who was unsuccessful in the 1978 Maryland gubernatorial race.

In addition, Dr. Allen served as secretary to the Republican National Convention in 1980

and was responsible for various duties such as the calling for the roll of States as the GOP nominated Ronald Reagan for the office of President. In 1981, Dr. Allen resigned from the Maryland State Senate to serve as a medical affairs adviser to the Health Care Financing Administration for the Reagan administration.

Regrettably, upon returning to State government in the house of delegates this fall, Dr. Allen took his own life after learning he had cancer. His absence will be felt greatly by all whose lives he touched. I had the pleasure of knowing and working with Dr. Allen and held great respect and admiration for him. I always was impressed by his sense of commitment and dedication to his fellow man and extend my deepest sympathy to his family and friends. Civic-responsibility was not just a coined phrase for Dr. Allen, it was a life long endeavor.

It is rare in life when we meet someone who embodies such special traits that they have a profound affect on the way we approach life. Yet, Aris Allen was one of those special individuals who did just that. There could not have been a more appropriate title for the biographical account of his life than the title he gave it, "Achieving the American Dream."

Aris Allen made his own way through life and set no limits to what he could achieve. A great American, rich in character and achievement, Dr. Aris Allen sought to serve others as a physician and legislator.

One cannot help but be inspired by the life of Aris Allen. I deeply regret his death, yet the legacy he left behind and the accomplishments of his life will continue to inspire generations to come.

TO HONOR JAMES ROBERT CALHOUN, PRESIDENT GENERAL OF THE SONS OF THE AMERICAN REVOLUTION

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHIFF. Mr. Speaker, I rise to honor the president general of the National Society of the Sons of the American Revolution. I am particularly pleased at this event, because Col. James Robert Calhoun is the first New Mexican elected to this office.

Colonel Calhoun was born on a Sioux Indian reservation in North Dakota and spent his early years on reservations in the Dakotas. He moved to New Mexico in 1933, and graduated from Santa Fe High School in 1937. After obtaining an associate of arts degree from Colorado College in Colorado Springs, and a bachelor science degree from the University of California, Berkeley, he obtained a master of business administration from George Washington University, and completed the Harvard Graduate School of Business advanced management program. He is a member of the Kappa Sigma Fraternity.

Colonel Calhoun's military service is equally stellar. His career spans 30 years, and includes service during World War II, the Korean war, and the Vietnam war. He received numerous military awards including the Legion

of Merit with two oak leaf clusters, the Army Commendation Medal with one oak leaf cluster, Korean and Vietnam Service Medals with three campaign stars, and the Army General Staff Identification Badge. He is a graduate of the Army Command, General Staff College, Armed Forces Staff College, and the Industrial College of the Armed Forces. During his military service he functioned primarily as a comptroller and finance and accounting officer.

The New Mexico chapter of the Sons of the American Revolution recognized Colonel Calhoun's leadership abilities when they elected him president of the Albuquerque chapter in 1980 and New Mexico State Society president in 1982-83. During his service with the SAR he has received the Minuteman Award, Patriot Medal, War Service Medal, Silver Good Citizenship Medal, Liberty Medal and personally sponsored 53 new members. His leadership abilities served him good stead in his tenure on numerous committees, executive officeships and during 10 Congresses and 23 trustees meetings.

Colonel Calhoun is married to the former Constance Carpenter, and has 4 children and 11 grandchildren. His wife and daughters are members of the Daughters of the American Revolution, and his son and grandson are SAR's. Colonel Calhoun is also active in a wide range of other community activities.

I congratulate the Sons of the American Revolution in their choice of Col. James Robert Calhoun as president general. They could not have done better.

STOP THE ARAB BOYCOTT AGAINST ISRAEL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, despite all the private assurances received from the Saudis and Kuwaitis that they would assume a more compromising position toward Israel after the war, here have been few signs of change in attitude from the Arab world.

Many American firms may be denied Kuwaiti contracts because their company conducts business with Israel or employs Jewish workers. The Arab League's secondary boycott, which prevents Arab countries from doing business with third parties that trade with or invest in Israel, has strangled the Israeli economy for 40 years. Vital potential trading partners of Israel, such as Japan, are kept at the beck and call of the oil-producing nations and prevented from investing in Israel.

Last month, a member of the United States Senate was denied a visa for a congressional delegation visit to Saudi Arabia and Kuwait simply because his passport was marked with an Israeli entrance stamp. You do not have to be Jewish to be scarred by this symbol of the Jewish State—you only need to have visited Israel. That is enough to prevent any diplomat or citizen from any country in the world from entering an Arab State.

These outrageous policies must end. Today, I have introduced a resolution calling on the Arab States to end their boycott against Israel

and their longstanding policy of not accepting passports with an Israeli entrance stamp. Senator LAUTENBERG, the Senator who was denied the visa by Saudi Arabia and Kuwait, introduced essentially identical legislation in the Senate today.

I find it appalling that these gulf states can maintain such offensive policies in the wake of a war in which Americans sacrificed their lives to ensure the independence and security of these nations. Such policies are a sad reminder of the deep-rooted rejectionist attitudes among the Arab States toward the State of Israel.

My resolution calls on this administration to use the tremendous leverage we have over these gulf States to insist that they lift the Arab boycott to provide a gesture of good faith and a confidence building measure between the Arab States and Israel. Israel and the entire international community has waited over 40 years for such a bold action from these states. It is time for the Arab world to respond.

Mr. Speaker, I urge my colleagues to join me in sponsoring this important and timely piece of legislation.

TRIBUTE TO MISSOURI STATE REPRESENTATIVE ROBERT L. DUNNING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, it is a privilege for me to pay tribute to a friend and former member of the Missouri House of Representatives. With the swearing-in of the 86th General Assembly of the State of Missouri last month, the distinguished political career of State Representative Robert L. Dunning ended.

Bob Dunning's record of public service deserves recognition. It serves us all to note it here so it may serve as an example for future generations to emulate.

His service began with many from his generation in defense of our country in World War II. He served in the Navy. On returning home to Henry County, he married his wife of 47 years, Elizabeth. He and his wife have raised three children and built a successful farming operation.

Public service continued to call him, and he served on the Clinton City Council. He was elected to the Missouri House of Representatives in 1976 and served seven terms with distinction. He served as chairman of the Agriculture Committee in the Missouri House of Representatives.

Additionally, Robert L. Dunning has served as an elder in the Clinton Christian Church and has been a member of the VFW, American Legion, and the Clinton Mason Order.

As he prepares for quieter time at home with Elizabeth, I use this statement to express my respect and affection for this man and to wish him the best in the days ahead.

TRIBUTE TO THE MICHIGAN AUDUBON SOCIETY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Michigan Audubon Society and their efforts to promote sound policies in the field of conservation. The Macomb Audubon Society is hosting the 1991 annual convention of the statewide organization in Mount Clemens, MI this weekend.

As a citizen and as a Member of Congress I have been passionately concerned with the preservation of our environment. One of my proudest moments as a legislator was helping to preserve St. John's Marsh, near Algonac, MI, as a home for a wide variety of waterfowl and fish. We must all work together to ensure the ecological integrity of our area is preserved.

Legislation and elected officials can go a long way toward preserving our environment, but it is primarily through community groups, like the Audubon Society, that public awareness is developed and nurtured. The Michigan Audubon Society has a clearly stated goal: "To achieve, through education, public recognition of the value and need for protecting and preserving wildlife, plants, soil, water, and other natural resources and fostering an understanding of their interdependence." I believe they make a critical contribution to improving the quality of life for all living beings.

In addition to pursuing their own work, the Michigan Audubon Society supports the efforts of kindred organizations. They have taken the exceptional step of adding the Wildflower Association of Michigan, the Michigan Loon Preservation Association, the Great Lakes Regional Corporate Environmental Council, and the Michigan Bird Records Committee as associate member organizations.

The nearly 10,000 member Michigan Audubon Society owns or manages over 5,000 acres of critical habitat and natural areas in Michigan. Through 44 local chapters, Michigan Audubon is the only chapter of the National Audubon Society to be organized on a statewide basis with its own local chapter network.

The Michigan Audubon Society is also unique in that it was organized in 1904, predating the National Audubon Society. For 87 years they have been committed to providing a safe and clean environment for all species of life to coexist—a truly noble cause.

Again, Mr. Speaker, I wish to commend the efforts of the Michigan Audubon Society on the eve of their annual convention. Their program theme provides a fitting four word conclusion, "Quality Habitat, Quality Life."

HONOR FOR EDUCATOR WELL- DESERVED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, this week an accomplished educator from Memphis, TN,

will be honored with the first national Distinguished Educator Award from the Horatio Alger Association. Dr. Jane Walters is principal of Craigmont High School, the optional school for international studies.

In that capacity, she has helped build a nationally recognized program in international studies, complete with a thriving foreign exchange student program and a first-rate record of academic achievement. I have on several occasions taken part in Craigmont's impressive Ceremony of the Flags, when the banners of hundreds of nations are displayed and their cultures and traditions are celebrated, both by Memphis students and their new friends from abroad. Craigmont offers us each day an example of how we all ought to get along with one another, whatever differences of race, culture, language, or religion we may have.

Jane Walters has served our community in Memphis as a gracious and tireless advocate for education, one who demands the best of her students and who gets it—along with their respect and thanks.

I know this House will want to join me in recognizing this fine educator, whose work has touched so many young lives, and whom I am proud to call my friend.

INTRODUCTION OF SAN DIEGO FEDERAL EMPLOYEE PAY EQUITY ACT OF 1991

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to introduce legislation which will address the glaring pay inequity which now confronts the Federal employees of the San Diego area.

Last year, my colleagues and I on the House Appropriations Subcommittee on Treasury, Postal Services and General Government strongly supported the inclusion of the Federal Pay Reform Act in the fiscal year 1991 Treasury appropriations bill. Under the new law, all areas will receive locality pay beginning in 1994, and Federal law enforcement personnel will begin to receive it in 1992. The pay reform plan will at last enable the Federal Government to hire and, more importantly, retain the best workers this country has to offer.

On December 12 of last year, the President wisely ordered an immediate 8-percent pay adjustment for the Federal employees of the Los Angeles, San Francisco, and New York areas. I applauded this action because the gap between private and Federal pay in these high cost cities had begun to cause severe recruitment and retention problems. The President should not have stopped there, however. By almost any measure, San Diego County has become one of the most expensive metropolitan areas in the Nation, and Federal pay has failed to keep pace with the soaring cost of living. An objective analysis of this issue demands that the 20,000 Federal employees of San Diego receive the same 8-percent adjustment as their counterparts in other parts of California.

The need for a pay differential in San Diego becomes clear when one compares San Diego County with the five nearby counties which the Office of Management and Budget defines as the Los Angeles "Consolidated Metropolitan Statistical Area"—Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. San Diego has more special salary rates than four of the five counties, a higher cost of living than Orange, Ventura, and Riverside, and a higher median home cost than Riverside and San Bernardino. Indeed, based on the share of income needed to make monthly house payments, San Diego is the second least affordable city in the United States.

Another telling point of comparison lies in the per diem rate schedule for reimbursing Federal employee travel. The rates for Los Angeles and San Francisco—\$124 and \$122 respectively—easily surpass San Diego's \$110, but Riverside County at \$108, Oakland at \$100, San Jose at \$97, and San Bernardino County at \$79 fall well short of the San Diego mark. If some Federal statistics justify the exclusion of San Diego County, these numbers make a different and contrary argument.

Mr. Speaker, perhaps the real problem we must address is that OMB's standards for defining metropolitan areas fail to accommodate or define the growth that has occurred in southern California during the past decade. But whatever the reason, San Diego County deserves the 8-percent adjustment. It is unrealistic and counterproductive to ask thousands of Federal employees to remain patient in the face of a policy which appears neither fair nor reasonable. If our goal is to improve the morale and quality of the Federal work force and to reward dedication to public service, we cannot tolerate this type of treatment.

This legislation will grant San Diego's Federal employees the 8-percent pay increase they need to begin to close the gap with the private sector. If we fail them now, we will have workers who lack both the wherewithal and the desire to work for the Federal Government. In my view, to lose some of the "best and the brightest" because Uncle Sam pays their neighbors more for the same work would be a bitter and senseless tragedy.

STEVE YUEN, A VERY SPECIAL DENTIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. STARK. Mr. Speaker, I rise to pay tribute to a leader within the California dental profession, Dr. Stephen S. Yuen, DDS, of Hayward.

Dr. Yuen has contributed mightily to his profession and the public and he is stepping away from leadership after more than 25 years of service, though not from the practice of dentistry. It is for his public service that I am pleased to commend Dr. Yuen.

Let me first acknowledge Dr. Yuen's contributions to the dental profession—through leadership that took him to the top elected appointed offices of his local society and the

California Dental Association, a warm and witty writing style that earned him numerous awards as the association's journal editor, his organizational skills and legislative activities on behalf of dentists and their patients.

But Dr. Yuen's lasting contributions to the dental health of Californians may well be his leadership in crafting the State Association Senior Dent Program through which more than 8,000 dentists provide discounted care for eligible senior citizens. A model for service to elderly persons with modest incomes, it is likewise a testament to the vision of Steve Yuen, who saw the need, and to his leadership in responding to that need.

I am honored to recognize Dr. Stephen Yuen's service and to wish him well in his continued pursuits with dentistry, his community, his family, and his patients.

**ARSENIO MILIAN,
ENVIRONMENTAL ADVOCATE**

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Arsenio Milian has been a tireless advocate of the environment in south Florida. He has fought to protect the everglades both as public servant and private citizen. The Miami Herald recently ran an editorial highlighting Mr. Milian receipt of the Thomas Barbour Award and commenting on his advocacy of the environment. That article follows:

In awarding its prestigious Thomas Barbour Medal to Arsenio Milian, the Fairchild Tropical Garden fittingly has recognized a courageous and effective advocate for South Florida's environment.

The award is named for the renowned naturalist (1884-1946) whose influential 1945 book *The Vanishing Eden* was one of the earliest warnings of South Florida's looming environmental problems. Past recipients include Marjory Stoneman Douglas, John Pennekamp, Nixon Smiley, David Fairchild, and Edwin A. Menninger.

The medal reads: "For vision, unselfish devotion to the preservation of that vanishing Eden, South Florida." That befits Mr. Milian, who just ended four years of exemplary service on the South Florida Water Management District's governing board.

There, the Dade Countian was a tireless champion of efforts to protect and restore the Everglades. In particular, he repeatedly questioned the board's spending of more than \$5 million on lawyers to fight a Federal lawsuit aimed at keeping pollution of the 'Glades. He also helped to persuade the district to follow affirmative-action principles in awarding contracts.

Yet environmental education may be the cause dearest to Mr. Milian. While on the water-district board, he pressed for greater efforts in that area. He also was the guiding spirit behind the founding of Citizens for a Better South Florida, a broad-based group that has had a positive impact on public awareness and governmental policies.

Mr. Milian's departure from the water-management board is no reflection on his service. Rather, like the replacement of Tim Powers four years earlier, it reflects the painful political reality that new gov-

ernors with fresh mandates often want to fill key posts with their own appointees.

Mr. Milian's leaving the board won't end his public service, thank heaven. He's one medalist who knows that the race to save the environment is a marathon, not a sprint.

Mr. Speaker, I am proud to have a citizen so committed to the environment as Mr. Milian in my congressional district. It is my hope that his example will be inspiration for others in our community, and nationwide, to defend the integrity of our environment.

**SALUTE TO NATIONAL
VOLUNTEER WEEK**

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to honor the millions of Americans who volunteer their time and talents to aid others. One of America's greatest resources is its volunteers. Volunteers give freely of their time, energy, and ability and only ask for a smile and a thank you for their countless hours of service.

I have long thought that the spirit of volunteerism, of pitching in and helping friends and neighbors in times of trouble, was one of the cornerstones of our Nation for generations. And while for a time some turned more and more to Government, I am proud that the spirit of helping others has always burned strongly in our great country, and is perhaps burning more strongly today than ever.

To recognize this tradition and the people who continue it, the Nation observes National Volunteer Week from April 21 to April 27. And while all of our volunteers can accept their Nation's thanks during this week, I would like to pay special recognition to the volunteers of the Motion Picture and Television Fund, based in my district in Woodland Hills, CA.

These men and women are dedicated, selfless, and compassionate in their efforts to better the health and welfare of the patients and retirees of the entertainment industry. They may think their contributions are small, but their efforts are greatly appreciated.

Mr. Speaker, I ask my colleagues to join me in congratulating the volunteers of the Motion Picture and Television Fund on a job well done, and in wishing them the best for the future.

**IN TRIBUTE TO JAMES L. KIMERY,
COMMANDER IN CHIEF OF THE
VETERANS OF FOREIGN WARS**

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHIFF. Mr. Speaker, I rise to honor the commander in chief of the Veterans of Foreign Wars. I am particularly honored to do so because Mr. James L. Kimery is a resident of the city I am proud to call home—Albuquerque, NM.

Mr. Kimery joined the VFW in 1952 while on active duty with the U.S. Air Force. He served

two terms as commander of Post 7686 in Alamogordo, NM, and was captain of the all-State team in 1956-66. He also served as department chief of staff in 1967-68, and as post quartermaster in 1968.

Mr. Kimery was elected department commander in 1970 and became department adjutant-quartermaster in 1972. Over the next 14 years, he held a number of VFW Western Conference positions and a variety of national committee appointments. In 1986-87, Mr. Kimery served as the VFW's national inspector general, and as a member of the National Council of Administration. He was elected commander in chief of the VFW during the 91st national convention, held recently in Baltimore.

Mr. Kimery has a very distinguished record of service in the U.S. Air Force. He was stationed on Guam between 1945 and 1947, and earned the Asiatic-Pacific Campaign Medal. He earned the Army of Occupation Medal for his tour of duty in Japan in 1948-49. Mr. Kimery served a total of 21 years in the Air Force, including tours in France and Germany.

Mr. Kimery is a licensed pilot and a licensed A&P mechanic who enjoys restoring old airplanes during his spare time. He is also a member of the Air Force Association, the Aircraft Owners and Pilots Association and the International Commanche Society for aircraft owners.

Mr. Kimery and his wife, Dorothy, live in Albuquerque, where he is a member of VFW Post 9354.

I congratulate the Veterans of Foreign Wars on their selection of Mr. James L. Kimery as national commander in chief. They could not have made a more outstanding choice. I join all New Mexicans and all Americans in congratulating him on this great honor, of which he is so richly deserving.

THE PORNOGRAPHY VICTIMS PROTECTION ACT OF 1991

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GREEN of New York. Mr. Speaker, today I am introducing the Pornography Victims Protection Act of 1991. I believe that we can no longer stand by and say that pornography is a victimless crime. A Federal Commission has documented that abuses of coercion, intimidation, and fraudulent inducement into posing and performing are rampant in the pornography industry which is controlled by organized crime. The victims often are people who were sexually abused as children and/or are financially distressed. This, to me, is the major outrage of pornography; and it is time to empower the victims by providing them with legal recourse for the harm that has been done to them. The legislation I propose today is unique contrasted to all other pornography legislation because it confronts the pornography problem and provides the opportunity for justice without infringing on our first amendment rights.

The Pornography Victims Protection Act of 1991 would allow victims of pornography, both

child and adult, who are coerced, intimidated, or fraudulently induced into posing or performing in pornography to institute Federal civil actions against the producers. If they prevail, such victims would receive treble their actual damages and cost of bringing suit. Furthermore, the bill authorizes the Attorney General to seek \$100,000 in civil penalties from any person violating Federal child or adult pornography statutes. If the Government prevails, it is authorized to distribute the penalty money among all of the identified victims in the case.

In addition to providing monetary and injunctive relief to victims, direct civil actions will facilitate enforcement of related criminal statutes. Like a direct action for victims, a Government action for civil penalties will be subject to a lower burden of proof than in a criminal prosecution, and this should facilitate action against pornographers. Unlike direct actions, victims would not be required to come forward publicly. This is an especially valuable benefit in child pornography cases, since many child victims are unwilling or unable to endure the severe traumas of courtroom testimony.

Last Congress, in order to deal with concerns raised by the booksellers and publishers, the legislation was rewritten to focus exclusively on targeting and penalizing producers. All criminal provisions embodied in the bill apply exclusively to the producers and not the transporters or distributors. This bill provides a sound and constitutional mechanism for deterring sexual exploitation and compensating victims.

Due to its dubious legal status and organized crime involvement, pornography is primarily an underground industry with little or no accountability toward its work conditions or product. Obscenity law only addresses the offense to society's sensibilities and ignores the victimization that is part and parcel of the pornography industry. Without conflicting with our first amendment rights, the Pornography Victims Protection Act would provide civil remedies to the forgotten victims whose hurts are unaddressed by current obscenity laws.

In closing, I believe the Pornography Victims Protection Act of 1991 will effectively combat a great degree of sexual exploitation in the United States and I should like to take this opportunity to encourage my colleagues to co-sponsor.

A TRULY SPECIAL MAN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great sorrow and remorse that I speak of the death of a long time friend, Howard Head.

An inventor and philanthropist, Howard Head is perhaps best known in the business world for his innovative work with sporting equipment. Concerned over his difficulties with tennis and snow skiing, Howard Head set out to improve tennis rackets and snow skis. A design engineer at the Glenn L. Martin Co. aircraft plant in Middle River, MD, during World War II, Howard Head used his engineering skills to improve sporting equipment.

His work quickly developed into a very profitable and widely acclaimed producer of sporting equipment. In 1966 the Head Ski Co. in Timonium, MD, was grossing \$25 million a year in sales. What began with financial resources of no more than \$6,000 in poker winnings and borrowed money from friends was now a thriving multimillion dollar business.

However, Howard Head not only will be remembered for his business success, but also for his interest and support of cultural and medical institutions. Mr. Head along with his wife recently pledged \$1 million to a \$13 million campaign for the Center Stage Theater in Baltimore. In addition, he has served as a trustee of the Baltimore Museum of Art and financed entirely the Howard Head Sports Medical Center in Vail, CO.

Having known Howard very well, I held great respect and admiration for him and regarded him as a man with a great wealth of character and spirit. He pursued his dreams and interests undaunted and was a shining example of the American dream. Starting with very little, Howard Head developed a fortune and never forgot to share it through his philanthropic interests.

Many years ago, I had the special privilege of producing for the Head Ski Co. a film entitled, "Great Skis for Great Skiing." In that capacity I and my television team worked closely with Howard Head in preparing the script and shooting the film. It was a rare and special opportunity to work hand in hand with a real genius—a successful American inventor.

A special person and close friend, I regret the passing of Howard Head. He will be remembered fondly by all those whose lives he touched.

MAXWELL R. THURMAN'S RETIREMENT ADDRESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, on February 26, 1991, Gen. Maxwell R. Thurman retired from active duty with the U.S. Army. His career spanned 37 years of distinguished service to our Nation, including commander in chief of the Southern Command. At his retirement ceremony, General Thurman made an address which is excellent advice to the military and to policymakers in our country for the days ahead. I herewith insert General Thurman's remarks:

RETIREMENT REMARKS OF GEN. MAXWELL R. THURMAN

Secretary Cheney, distinguished Members of Congress, General Powell, General Vuono, distinguished guests, friends. To Secretary Cheney and General Powell—on behalf of us all—we thank you for your dynamic leadership. Twice in the past 18 months, our Armed Forces have been victorious in combat. In Operation "Just cause," and in Operation "Desert Shield" and "Desert Storm," the men and women of the Armed Forces have had great leadership from the Cheney-Powell team. We thank you for that.

I can begin with a mild understatement—and say that I am happy to be here. So many

of you, through your prayers and support, have had a hand in that. The Johns Hopkins medical team led by Dr. Phil Burke, and the Walter Reed team led by Dr. Frank Ward—all superbly supervised by my brother, General Roy Thurman and the Good Lord, have made it happen!

This is a humbling event, and a difficult one. Difficult because that is the nature of good-byes. Humbling because the honors today come from an institution to which I am greatly indebted and from people to whom I owe so much. My thanks to you General Vuono and to the old guard and to Pershing's own, for providing this splendid farewell.

I entered the Army in the same way that the majority of young people do today. I was not planning on an Army career. I was not certain where my time in the Army would lead. But I did have certain expectations—just like the ones young men and women bring to their service today. I expected to be challenged. I expected to be a part of a high quality organization—one with strong and deeply ingrained values—one committed to excellence—one where both the individual and the team could find success.

I am here today because my expectations were met and exceeded.

In time I came to understand that we are all responsible for making sure that those same expectations are met for those who are presenting themselves for service in our Armed Forces today.

That responsibility has been the most exciting and rewarding part of my service. In preparing for it, I worked with extraordinary people, encountered interesting, challenging problems, took part in what have now become significant historical events and, best of all, touched and was touched by American soldiers.

Perhaps my greatest source of pride is my association with the high quality—recruited—volunteer Army. When I was assigned that opportunity in 1979 it started me on a unique journey through our Nation, our Army and our military.

On that journey we had the opportunity to reassert the most fundamental values of our Army, and, at the same time, create new ways of doing business in support of those values.

What we began institutionalizing in 1979 were the historic values of the Army—values now codified as candor, commitment, competence and courage.

When, in 1979, we faced the nadir of recruiting fortunes for the Army and for all the services, we had to decide what principles and values would drive and sustain the commitment we made to turn our fortunes around. Quality became the watchword describing our national campaign of market research—targeted advertising—and our objective of high school graduate recruits. These were new methods, but traditional values! The commitment to quality then—as now—was to excellence—to expecting high standards—to demanding high standards—to achieving high standards. What we committed to was an Army where a soldier could be all that he or she could be.

When, in the early 1980's, we were confronted with the challenge of how to train these high quality recruits to their potential, we put a renewed premium on competence, and built our classroom and field training centers around the requirement of proven performance. Today—with "Grenada", "Just Cause" and "Desert Storm" as testimony—tactical and technical competence have become the measured accom-

plishments of our forces. Not simply given the quiet nod of assurance—but demanded—tested—improved—and tested again.

High quality, highly trained American troops deserve the very best equipment in the world, and we worked with American industry to give it to them. There were naysayers along the way. The Patriot Missile was killed three times. The Bradley Fighting Vehicle and the Apache Helicopter fought their toughest battles on Capitol Hill. But today, the coalition nations and, most important, American servicemen and women are safer and more capable than ever before, when put in harm's way. Our Nation's leadership, with our Congress, has taken it as a moral commitment to provide our forces with the systems that are now protecting our troops and defeating our enemy in Operation "Desert Storm." American industrial workers have every right to be proud of their contribution to our services and to our war efforts.

The total force became a reality in the 1980's. In the days of "Just Cause," 2,500 Reserve component soldiers were mobilized. In the months of "Desert Storm," 150,000 will answer the Army's call. The total force is an American and military success story. Any problems we have encountered pale against the talent—dedication and professionalism of our guardsmen and reservists.

Our fighting doctrine has proven itself as well. And, more important, we have institutionalized the development of future doctrine so that our forces, equipment, and training will meet our Nation's needs as we cross into the 21st century.

We now fight "Joint." We did it during "Just Cause," and we are doing it during "Desert Storm." It required institutional candor, and it took commitment to change the way the services have been doing business for decades. It involved development of new competencies. And, it took a great deal of moral courage to put new organizations and procedures into operation forcefully, completely and, now, successfully. The sophisticated and massive campaign of the past 41 days deserves its rightful place in history—it has been nothing short of extraordinary!

I am as grateful as I am proud of having had the opportunity to be a part of this exciting period in the history of our Army and our military. And, of course, my gratitude extends back through each of 38 years, to a remarkable collection of soldiers and public servants. To General William Depuy, who taught me, as a Lieutenant Colonel, lessons which brought me to this podium today. To Generals Palmer and Kerwin and Kroesen and Vessey and Wickham: Vice Chiefs of Staff who opened up for me the breadth and complexity of the Army.

I am grateful to the Chiefs of Staff I have been privileged to serve directly. To Generals Westmoreland, Weyand, Rogers, Meyer, Wickham and Vuono. And to three Chairmen, Vessey, Crowe and Powell. Each of these leaders permitted their officers to serve and to use their own initiative. That is the best of both worlds—and it is a leadership style we should all encourage. I am particularly indebted to Secretary Cheney and Secretary Jack Marsh, who snatched me from the jaws of retirement in the summer of 1989. Thanks for your confidence sir.

There will never be a good time for me to leave the Army, but it is especially difficult with all that lies immediately ahead. The challenges are impressive but not forbidding. Every crisis presents itself as "a last possible chance," only to be followed by an-

other. What I know from experience—is that there is always time to do the right thing.

The right thing in the days ahead is to hold the ground we have gained, and to look ahead for creative solutions based on solid principles and values. Just as we had the moral courage to profit from our experiences in Vietnam to build the military we have fielded today, we must have the courage to re-examine issues which have now presented themselves for rational debate.

What has our experience in Desert Storm taught us about the composition of our active military forces for the future?

How will we balance the total force now that our policies and programs have been tested by fire?

How will we compete in the market place for the high quality men and women we must have to defend our Nation and its interests?

Will we invest sufficient funds for modernization of our equipment to keep our technological edge over any foe?

I am confident that these challenges and others like them will be answered with strength and positive resolve. We have come too far—worked too hard—achieved too much to retreat when the only enemy facing us is a tough decision.

But regardless of how the issues sort out, our duty is still to take care of our country's most precious resources—the youngsters who come to us with personal goals, genuine patriotism and extraordinary spirit.

This particular generation of soldiers will be special. Their "soldier values," their skill—their stamina—their discipline—their commitment—and their courage—will be forged by winning on "Just Cause," and "Desert Storm" battlefields!

They will also be our future leaders. In the military and in the Nation. Like wartime generations before them, they are earning that right, and we can all look forward to the day when their "soldier values" take root in home towns across the Nation.

Remember that the combat tested sergeants commanding M1A1 tanks and Bradley fighting vehicles in the desert today, will train the Nation's volunteer sons and daughters in the decade ahead. The combat tested company commanders leading our troops today, will be the generals in the year 2010. Our Nation will be in good hands!!

Our military today should be the source of our Nation's optimism for tomorrow. We know that the combination of solid values—hard work and American ingenuity and spirit—is the unbeatable combination it has always been. We see it on the battlefield today—quality men and women of the Army, Navy, Air Force and Marines—serving their Nation with distinction and pride—I am proud to have served with them—God bless them all—and God Bless America!!

EDUCATOR CLOSES DISTINGUISHED CAREER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, I rise to ask the House to join me in saluting the career of a fine gentleman and a distinguished educator from my State of Tennessee. Later this month, Samuel J. Winters will close a career of 37 years, 27 as an elementary school principal. For the last 17 of those years, he has directed

the work of East Montgomery Elementary School in Clarksville, where his friends and colleagues will gather on April 21 to honor his service and to say thanks.

Here in Congress, we often have occasion to mark the work of great men and women and remark on the impact they have had on us. I think it fitting to recall that few have a more important calling than those to whom we entrust the education of our children. Few things in life can match the wonder in a child's eyes. For 33 years, Mr. Winters has helped spark a love of learning in Clarksville's children.

The highest award any of us can win in this life is the respect of those who know us best. By that standard, Mr. Winters has earned a special place indeed. I ask my colleagues to join me in saluting his service and wishing him godspeed on his well earned retirement.

THE ADMINISTRATION'S DANGEROUS DEFERENCE TO RIYADH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, in her commentary in yesterday's Wall Street Journal, Laurie Mylroie reveals disturbing evidence of Saudi Arabia's influence over American policy in the Middle East.

Ms. Mylroie asserts that the administration agreed to a Saudi plan to stage a military coup against Saddam. When the coup failed to materialize, the Saudis panicked and warned the administration that Islamic fundamentalists might take over the rebellion in the south.

According to Ms. Mylroie, the Saudis are largely responsible for President Bush's unconscionable abandonment of the Kurds and other Iraqi dissidents.

In response to the Saudi's concerns, the administration reversed its course and left the rebels on the northern and southern Iraqi borders to be mercilessly slaughtered by Saddam's army, after having encouraged the Iraqi people to rebel and signaling that the United States would assist in that effort. The betrayal of the Kurds will no doubt go down as one of the most tragic chapters in American history, and one that could have been avoided.

As Ms. Mylroie notes, American deference to the Saudis has historically hindered American interests in this region. The current crisis is no exception. It is time American policy in the Middle East was based on American interests—including the promotion of democratic values—rather than on that of a monarchical and self-serving regime.

I strongly urge my colleagues to review the following insightful and revealing article:

LED ASTRAY BY THE SAUDIS IN IRAQ

(By Laurie Mylroie)

As refugees from Saddam Hussein's terror flee north and south, the debate about U.S. policy toward Iraq proceeds with little understanding of that policy. Many think the administration had no policy for Iraq, but that is incorrect.

The U.S. was responsible for military operations against Iraq, while the question of Iraq's political future was left largely to the Saudis. The idea, shared by Washington and Riyadh, was to encourage a coup. The Iraqi military, stung by its humiliating defeat at the hands of allied forces, was to overthrow Saddam Hussein. This, however, would not simply be left to chance. The Iraqi army would be actively encouraged by a popular revolt.

The model was Romania, where the population rose against Nicolae Ceausescu and the army joined the people, while the institutions of the Ceausescu state continued to function. Similarly, the Iraqi army would take over and rule with what remained of Iraq's political institutions.

This was to be accomplished principally through the offices of Salah Omar Ali al-Takriti. Mr. al-Takriti, now in Saudi Arabia, was a Baathist and an associate of Saddam's when the party seized power in 1968. A member of the party's regional leadership, Mr. al-Takriti was closely involved in the 1969 public hanging of 14 Iraqis in Baghdad, 11 of them Jews, on trumped up charges of spying for Israel. He exhorted the crowds that assembled in Liberation Square on that occasion and was appointed minister of culture and information the next year. In the early 1980s he served as Iraq's ambassador to the United Nations.

MR. AL-TAKRITI'S CHANCE

In August 1982, after Iraqi forces were pushed on the defensive in the war with Iran and Iraq looked to lose, Mr. al-Takriti resigned his position and went into exile. He began to promote himself as an alternative to Saddam, claiming his qualifications were that he was Sunni, Arab and from the same town as Saddam. In the current crisis Mr. al-Takriti has found his chance.

This figure, without much of an authentic political base, convinced the Saudis he could arrange a coup through contacts in the Iraqi military. The Saudis promoted him and Saad Jabr, a London-based Shiite, also without a substantial political base. Early last month a senior Saudi intelligence officer, Gen. Mohammed al-Utaibi, told members of the Damascus-based Iraqi opposition that they must take Messrs. al-Takriti and Jabr as equal partners or they would get no support from Saudi Arabia and the U.S.

The U.S. appears to have been aware of Saudi plans and acquiesced to them. Mr. al-Takriti briefed American officials in Riyadh about Iraq's internal situation. The U.S. ambassador even requested a meeting with him.

Certainly aspects of the plan for Iraq were put into operation. A January intelligence finding let the Central Intelligence Agency assist Saddam's Iraqi opponents. Support included a CIA-backed radio station in Saudi Arabia, which Mr. al-Takriti helped run, and which repeatedly called on the Iraqi population to revolt. On Feb 15, shortly before the start of the ground war, President Bush called "for the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein . . . to step aside"—the Ceausescu scenario. He added: "We have no argument with the people of Iraq. Our differences are with Iraq's brutal dictator."

Some two weeks later, almost as soon as hostilities ceased, the Shiite population in the South revolted. The administration warned Saddam against using chemical weapons. It also said that using fixed-wing aircraft and helicopters would be a violation of the provisional cease-fire. Whatever protection such prohibitions provided American

forces, they also made it easier for the angry and disgruntled remnants of Saddam's forces to march on Baghdad.

The Shiites were soon joined by the Kurdish population in the North. Massoud Barzani, head of the Kurdish Democratic Party, with large numbers of trained fighters under his command, first hesitated. He did not want a repetition of August 1988, when Iraq used chemical weapons against the Kurds. Untold numbers died then and 100,000 refugees fled to Turkey, where most of them remain. With the U.S. statements forbidding much Iraqi military activity, Mr. Barzani threw his forces into the fray, quickly capturing all Kurdistan, as Saddam's troops in the North melted away. The perception that Mr. Barzani held a strong hand was an important factor in undermining the will of Saddam's troops to fight.

But Salah al-Takriti's coup failed to materialize. With Iraq's Shiites in revolt and no military action against Saddam in sight, the Saudis panicked. Some Iraqi exiles, long based in Iran, had joined the fighting in a limited way. The Saudis warned Washington that the uprising in the South was in danger of being taken over by Islamic fundamentalists, according to an Iraqi opposition figure then in Riyadh. Washington then switched course. On March 26, the administration announced publicly that the U.S. would not prevent Iraq from using helicopters. Predictably, Saddam took that as an invitation to mow down his civilian population. The helicopters dropped napalm and phosphorous bombs.

Although not announced publicly, the U.S. also stopped interfering with flights of fixed-wing aircraft. Since a decision had been made to let Saddam suppress the rebellion, the quicker the better was a likely rationale. The tales of horror coming from southern Iraq were difficult for American opinion to bear. The U.S. Air Force controlled Iraq's skies and had just succeeded in impressing its power on the same forces now butchering civilians. Inaction would become harder and harder to justify. Besides, the Pentagon brass wanted to bring the boys home by the Fourth of July.

Having decided it did not want Iraq's revolts to succeed, the administration stood fast as the slaughter continued; Saddam's suppression was deemed "an internal Iraqi affair." In last Friday's U.N. Security Council session on the Kurds, the U.S. still wanted to "deplore" Saddam's repression, rather than use the stronger "condemn," pressed successfully by France.

The administration hasn't made an adequate case for the shift in U.S. policy. Iraq's territorial integrity was not threatened by the revolts. The Shiites consider themselves Iraqis. The Kurds are demanding autonomy for themselves within Iraq and democracy for the country.

Nor does neighbor Turkey view Kurdish demands with apprehension. The alternative is continuing guerrilla war in Iraq, with destabilizing consequences for Turkey's Kurds. Thus, in February, President Turgut Ozal called for a democratic, federated Iraq. (None of the most senior administration officials pronounced the "D" word when it came to Iraq, because the U.S. was deferring to Riyadh.) President Ozal called for the U.S. to shoot down Saddam's helicopters, and now, with Turkey's stability and his political career threatened by the Kurdish influx, he calls for U.S. action. Mr. Ozal is inhibited from speaking louder because of apprehensions about alienating the Bush administration, which has tied its policy to the Saudis.

Iraq's Shiite revolt raised little threat of an Islamic republic, despite Saudi claims to the contrary. The commander of the Iraqi exiles in Iran, who crossed into Iraq with the start of the rebellion, reported that Iran would let only a limited number of men across the frontier. As a senior administration official explained March 26: "The Shi'a in Iraq are Arabs. The Shi'a in Iran are Persians. . . . The Shi'a are not going to establish control over all of Iraq in the way that the Shi'a established control over Iran. . . . Some of the worst-case scenarios that are being painted by some of the commentators outside . . . we just don't share."

Saudi Arabia is an extremely conservative society, the only major state in the Middle East without any modern institution for political representation. The Saudis' strict Sunni Wahabi establishment discriminates against its own Shiite population, while the ruling family is notoriously insecure. If the Saudi apprehension was about Iranian-controlled fundamentalism, then it was almost certainly exaggerated. If it was about power for Shiites, then it was not a concern America shared.

DISAPPOINTED ADMINISTRATIONS

There is a long history of U.S. administrations basing Middle East policy on Riyadh, only to be disappointed. In 1957, King Saud was enlisted to endorse the Eisenhower Doctrine, and reversed himself in a matter of months. On the last such occasion, the U.S. worked with Saudi Arabia in Lebanon after the Israeli invasion, only to find the Saudis unable to secure Syria's acquiescence in U.S. policy, as the Reagan administration had expected.

Saudi Arabia is now seen as the heart of the projected new U.S. military presence in the Gulf. But Riyadh is not doing the U.S. a favor by letting America defend it. It needs the U.S. Meanwhile, America has paid a heavy price for Saudi blunders in Iraq. An urgent re-evaluation of U.S. policy is needed to define American interests. They go far beyond making the Middle East safe for the al-Saud.

FIFTH-GRADE CLASS ADOPTS READY RESERVE FORCE SHIP

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, on Friday, April 12, I will have the pleasure of attending a very special ceremony at the Pot Spring Elementary School in Timonium, MD.

Ms. Elizabeth Wise's fifth-grade class has adopted the SS *Cape Archway*, a Ready Reserve Force ship deployed during Operation Desert Storm. What makes this momentous occasion even more special is that this is the second time Ms. Wise's fifth grade class has adopted the ship.

The ship originally was adopted by her fifth-grade class in 1978-79 when it was a U.S.-flag commercial ship sailing under the name of the SS *African Neptune*. The ship was purchased by the U.S. Government in 1980 for use as a Ready Reserve Force ship and laid at anchor until activated for use in Operation Desert Storm. The SS *Cape Archway* is a specially fitted cargo ship used for shuttling ammunition. The ship's master is Capt. Edward McManus.

On a visit to the ship in the Persian Gulf, the commander of the Military Sealift Command, Vice Adm. Francis R. Donovan, USN, noticed a photograph of schoolchildren that hung on the bulkhead. The photograph was of Ms. Wise's class dated October 1978.

It has been a longstanding practice for school classes to adopt a U.S. Navy or commercial ship as the experience proves educational for the children and a morale builder for the crews. The class will write the captain or crew members and ask questions about the ship or life at sea and occasionally actually will visit the ship if possible while the vessel is in port.

After noticing the picture which had hung in the ship for 13 years, Vice Admiral Donovan asked a member of his staff to see if the current fifth graders at Pot Spring Elementary School would be interested again in adopting the ship. The class was indeed interested in adopting the ship again and Ms. Wise, in fact, still teaches fifth graders at the school.

I am very proud of Ms. Wise's fifth-grade class at Pot Spring Elementary School which is located in my district. I long have been an avid supporter of our Military Sealift Command and have sought to encourage a greater understanding about the importance of sealift capability. Operation Desert Storm emphasized the importance of rapid mobilization capability and underscored the vital need for sealift capability.

Despite having some of the world's best military equipment, it is impossible to participate in virtually any type of conflict unless we can get the equipment and troops to where they are needed. The need for military sealift is unquestionable.

I am proud of the work our Military Sealift Command [MSC] performed in Operation Desert Storm. Their hard work and dedication was vital to the success of Operation Desert Storm. In addition, I also appreciate the interest exhibited by Ms. Wise's fifth-grade class. The class has demonstrated that not all knowledge is learned through a book and that students also can learn through unique first hand experiences such as adopting a ship and writing its crew members.

On April 12, Vice Admiral Donovan will present each of the students an official Military Sealift Command "certificate of appreciation." Ms. Wise and the school will receive framed photographs of the SS *Cape Archway*. The students also will be treated to a skit showing the function of MSC ships. Students of Ms. Wise's 1978-79 class also are to be on hand for the occasion. This is without a doubt a very valuable experience for the students and a special opportunity for the SS *Cape Archway* and her crew to show their appreciation for the friendship displayed by Ms. Wise's class.

Mr. Speaker, my fellow colleagues, it is with great pleasure and anticipation that I look forward to visiting Ms. Wise's fifth-grade class with Vice Admiral Donovan. I am very proud to be a part of such a special occasion.

PRESIDENT BUSH FOLLOWS THE CORRECT PATH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend the exceptional leadership that has been demonstrated by George Bush. Our President was able to organize an international coalition to respond to Iraq's naked aggression. Against all predictions, he was able to hold it together and secure the backing of the United Nations in forcing Saddam Hussein to leave Kuwait. As Commander in Chief, he was ultimately responsible for the decision to use force when it became clear that sanctions alone would not accomplish our objectives. But in the aftermath of the brilliant victory in the Persian Gulf, there has been a disturbing eagerness to denigrate the significance of the coalition's achievements and, by extension, the leadership of George Bush.

Mr. Speaker, this Member commends to his colleagues the editorial of March 29, 1991. This New York Times editorial presents a balanced, insightful appraisal of the U.S. actions. It correctly notes that "the United States lacks the moral authority, the international backing, and the political know-how to impose a new government on Iraq."

THE GENERAL VS. THE PRESIDENT

What makes the contretemps between Gen. Norman Schwarzkopf and his Commander in Chief so disappointing is that the first time around, he was the very model of a patriotic general.

On Feb. 27, the very day that President Bush decided to end the slaughter of the retreating Iraqi forces, a reporter asked General Schwarzkopf whether he feared that decision would keep him from fulfilling his assignment.

"We've accomplished our mission," he replied, "and when the decision-makers come to the decision that there should be a cease-fire, nobody will be happier than me." That was admirably said, right out of the Book of Civilian Control.

But now, the stolid, solid general says he would have preferred to continue the repugnant "turkey shoot" a little longer. He seems to be second-guessing himself as well as Mr. Bush.

The President, who yesterday tried to cool the controversy, was right to stop the slaughter when he did; right to agree to a tough U.N. cease-fire plan that could quickly free U.S. troops from Iraq, and right to chastise the general for, long after the fact, redefining his mission.

General Schwarzkopf may be protecting himself against the charge that the allies let too much of Iraq's military get away. It turns out that he overestimated the number of Iraqi weapons his forces had destroyed. And he could not have guessed how quickly Iraq's defeat would spark uprisings by the Kurds and Shiites or how brutally Iraq's army would try to repress them.

But the general could have kept up the pounding for weeks without eliminating Iraq's military capacity to repress its own people. Destroying its ability to attack its neighbors was the right objective. Destroying its ability to defend itself against covetous neighbors would have gone too far, inviting dangerous instability. That's why Mr.

Bush was wise to stop the shooting when he did.

The President is also right to try to extricate U.S. troops from Iraq's civil strife. However much Americans want Saddam Hussein to be toppled, his fate is best left to the Iraqi people. The U.S. lacks the moral authority, the international backing and the political know-how to impose a new government on Iraq.

The presence of American troops deep inside Iraq is already forcing Washington to take sides in the internal struggle. It shot down two Iraqi aircraft attempting to attack Shiite rebels—but let Saddam Hussein's helicopters through. That could make the troops hostage to Shiite reprisal. But if Iraq can now be brought to accept the U.N. cease-fire, all allied forces can be promptly withdrawn.

General Schwarzkopf had a chance to offer his military advice on when to stop the shooting. Whether or not he did so, and whatever he recommended at the time, that decision was quite properly a political one, involving much more than how many Iraqi tanks remained in U.S. gun sights. The President made the right call, then and now.

A TRIBUTE TO STACY ANN PORTER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues a beautifully written essay by Stacy Ann Porter of McLean, VA. Miss Porter, who is in the fifth grade, entitled her paper, "What the Bill of Rights Means to Me." It was recently selected as the outstanding essay in the State of Virginia and she is now competing on the national level. I would like to commend Miss Porter on her timely and beautifully composed essay.

After rereading this essay, I was struck by the concluding sentence: "I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen." I would like to suggest that Miss Porter is doing just that and wish her much success in the future.

WHAT THE BILL OF RIGHTS MEANS TO ME

(By Stacy Ann Porter)

The Bill of Rights is the first ten amendments to the United States Constitution. It is a list of the freedoms and liberties of the people of the United States.

When the Constitution was first drafted, many of the states were concerned that the new Federal Government might deprive people of their rights and exercise power unwisely. Before some of the states would ratify the Constitution, they insisted that a Bill of Rights be added clarifying what the government could not do. To them and to us, the Bill of Rights is like a shield protecting our freedoms.

We only need to look elsewhere around the world to see what can happen to people who live in countries that do not have the freedoms contained in our Bill of Rights. In some countries, people are not free to worship as they would like, to speak out for what they think is right, or to print what they want to in newspapers. They are afraid that the police will break in and search their houses for no reason at all. I would hate to

live in a country where these kinds of things happen.

On Sundays, I attend church with my family without being afraid of what might happen to me. I am free to be a member of the girl scouts, but no one forces me to join. I can express my opinions in school and other places. I love to read books, and it would be hard for me if I could not read what I want to. These things mean a lot to me.

One of the reasons that the Bill of Rights means so much to me is because some of my ancestors helped to bring us the freedoms in the Constitution. An ancestor of mine on my father's side, George Soule, came to America on the Mayflower. He was an indentured servant. He came to America so that when he had worked to pay off his passage, he could get new freedoms that he did not have in England, and so that he could start a new life in a land of opportunity. Some of my other ancestors fought in the Revolutionary War.

When the Bill of Rights was written by our Founding Fathers almost two hundred years ago, the world was very different from how it is today. Then, the United States only had about 4 million people, and most of them lived on farms. Even though the world is much different today, the freedoms in the Bill of Rights are still very important and true. And they are important for people everywhere all around the world.

Many people take the freedoms in the Bill of Rights for granted. If they lived in a country where there was a dictator, they would realize how important the Bill of Rights is, and they wouldn't take it for granted anymore.

I feel that I have a responsibility to help protect the freedoms that we have in the Bill of Rights. I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen.

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IF I HAD A WISH . . .

(By Stacy Ann Porter)

If I had a wish, my wish would be
For a world as peaceful, beautiful and bright
As a clear, crisp, star-filled night.

Where hunger would leave and be no more
Where dreams could race and fly and soar
Not just for some in certain places
But for everyone, everywhere regardless of
races.

Where leaders would be kind, honest, and
fair

And people could be happy everywhere
Where fish and fowl, animals and trees
Could enjoy clean air and crystal blue seas.

Where people care about each other
And treat each person like a brother
Where drugs can heal instead of destroy
And babies are born healthy whether girl or
boy.

Where everyone feels part of a big family
That includes everyone, everywhere
. . . you and me.

If I had a wish, my wish would be
For a world as peaceful, beautiful and bright

As a clear, crisp, star-filled night.

A CLOWN FOR ALL SEASONS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. JACOBS. Mr. Speaker, what is Jonathan Winters if not a national treasure.

It is said that President Kennedy gave Pierre Salinger a loving cup with the following, East Indian inscription: "Three things are real—God, human folly and humor. Since we cannot understand the first two, we must do what we can with the third."

[From Newsweek, Apr. 1, 1991]

A CLOWN FOR ALL SEASONS

(By Harry F. Waters with Lynda Wright)

It was the series' very first run-through, a dining-room setup featuring Jonathan Winters and his youngest TV grandson. As Winters lumbered through the door, he spotted a bowl of hand-painted eggs resting on a sideboard. He picked it up, walked over to the boy and sorrowfully informed him: "Ben, it's about your brother. We don't know what he's eating but this is what we're getting." Few sitcom writers could hack out a laugh line like that. As a matter of fact, none did: it bolted unbidden from the singular mind of Winters himself. Thanks to a fast-blooming new ABC comedy called "Davis Rules," the nation's elder statesman of spaciness is back in fashion. You might even say that this is suddenly becoming the season of Winters.

Of the nearly 50 series launched since last September, "Davis Rules" currently owns the second highest rating ("America's Funniest People" owns the highest—but then that's a spinoff, and a wretchedly homemade one at that). Granted, this sitcom's premise does not quicken the pulse. Winters plays Gunny Davis, a loopy but lovable grandfather who moves in with his widowed son (Randy Quaid) to help raise his three grandsons. Now for the beauty part. Instead of handcuffing the free-winging Winters to a script, producers Tom Werner and Marcy Carsey have encouraged him—actually, instructed him—to ad-lib and improvise. The upshot is a pleasantly engaging comedy laced with bursts of pure, lunatic magic. No one seems to be getting a bigger charge than the show's 65-year-old centerpiece. "For the first time in my life," says Winters, "I'm really having fun."

Every 22-minute script for "Davis Rules" contains five minutes of spaces for Winters' impromptu riffs. Sometimes there's a suggested topic that surfaced in rehearsal, more often just expectant ellipses trailing from a line. Whatever the ignition device, Winters never has a problem zooming into orbit. One moment he's mocking the kids in fractured Norwegian, the next he's advising them to handle a bully by sideswiping him with the family car ("BOOM! He's a silhouette!"). Before retiring for the night, he announces: "I got the bedroom window closed, but the cat is halfway out. (Eye-rolling shrug) I guess it can wait 'til morning." Speaking of cats, Winters' weirdest improv came when one of the boys arrived home with a ventriloquist's dummy: he scrunched into a feline crouch, curled his fingers and began hissing. "It was amazing," recalls cast member Patricia Clarkson. "Who would think of hissing at a dummy?"

Need she ask? This is, after all, a man who in real life once climbed atop the rigging of a historical ship, informing police that he was the Man in the Moon. Until now, however, television has never figured out how to package Winters' unpredictability. After becoming an instant legend on "The Jack Paar Show" (and inventing, in Maude Frickert, the world's randiest grandmother), he presided over a pair of desultory variety series. Next came a one-season gig on "Mork and Mindy" that only confirmed that Robin Williams had swiped his style. He plunged into painting and writing, turning out widely lauded surrealist works and a volume of best-selling short stories. Then producers Werner and Carsey, who know how to build sitcoms around stand-up comics ("The Cosby Show," "Roseanne"), offered him the role of Gunny along with a creative blank check. Winters is grateful. "They're letting me do things I've always dreamed of doing," he marvels. "They've given me the freedom to take chances."

Unfortunately, both "Davis Rules" and its star could use a little more domestic support. This is the kind of sitcom in which the writers give the kids lines like: "Girls are more complicated than women because they're so . . . (smirk) . . . unformed." Randy Quaid, though, makes a splendid foil. Wisely, he's replaced his big-screen gooniness with geniality, playing off Winters with the sort of wary affection that John Goodman accords Roseanne Barr. The scenes in which father and son gropingly come to terms with old wounds are as touching as they are unexpected.

Tough pop: The irony is that Winters still harbors hostility toward his own father, an Ohio stockbroker. Shortly after meeting a Newsweek reporter, he says: "I was numb for a long time because I had an old man who was hard on me from the beginning." All that discipline, he goes on, filled his childhood with "insecurity, shyness, neuroses and paranoia." Today Winters' world is filled with kitsch: he's an obsessive collector of it. The San Fernando Valley house that he shares with his wife of 42 years overflows with baseball bats, walking canes, beer steins, tomahawks, military hats, cigar boxes, cowboy guns, railroad medallions and some two dozen statues of Buddha.

All viewers care about, of course, is how Winters stuffs the spaces in his show. It's a challenge that makes his tiny eyes gleam. Here's Gunny trying to sell a "genuine" Indian doll to a woman tourist. "This says 'Taiwan'," she notes, checking the doll's underside. "No, that's 'Nawiat,'" he corrects. "The Nawiat Indians." That's where the script leaves off and the master takes over: "It was small tribe, only about 36 of them, a wonderful tribe. They didn't have a chief, but they had a very strong woman. She was 6-foot-9. And rather than have all the Indians go to war when the white men came to massacre them, she hid them under her dress. And when the white men—they can be kind of crazy—saw things moving under her dress, they ran away."

Another ignition, another BOOM! Forget the calendar: Winters rules.

ACCLAMATION FOR HEIDI KRISTINA STRUVE

HON. BARBARA F. VUCANOVICH
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 11, 1991

Mrs. VUCANOVICH. Mr. Speaker, I rise today to pay tribute to Heidi Kristina Struve, a senior at McQueen High School in Reno, NV. It gives me great pleasure to announce that Heidi was awarded first place in the Voice of Democracy Broadcast Scriptwriting Contest. The contest theme this year was "Democracy—The Vanguard of Freedom." Over 138,000 secondary school students participated in the contest this year, with the winning contestant from each State receiving a trip to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars. Of these finalists, 14 national winners were selected to receive scholarships totaling \$62,500. I have the honor to present Ms. Struve's winning script to you today:

"To such a task we dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and the peace which she has treasured. The world must be made safe for Democracy!"

This quote by Woodrow Wilson expresses the incredible importance of our democracy. America is a country of freedom, opportunity, and success. And we demonstrate best Democracy as the Vanguard of Freedom.

I will begin by relating democracy and freedom to the American Revolution; next I will discuss democracy's effect on me; and, lastly, I will present the growing spread of Democracy throughout the world today.

To begin with, over two hundred years ago, our ancestors fought mercilessly for independence from their mother country. Young men, and even women, worked together as one to obtain their goal—freedom. "Government for the people, by the people" became their basis for ruling the new world. It was only natural for democracy to protect that freedom our founding fathers fought so hard for. Indeed, George Washington, John Adams, John Hancock, Thomas Jefferson—every one of these great men agreed that the only way America could maintain her ideals was through government of the people.

Today, I can't go through a single day without being affected by my protector—democracy. I stand at 8:30 every morning and place my right hand over my heart and repeat a pledge that expresses my belief in this country. I exercise my rights with every word uttered from my lips, every line I read on a newspaper, and every church I choose to attend. I hold my freedom closer to my heart than any other single thing, and I thank democracy for its protection.

Lastly, 1989 was a year of drastic change. Starting with a small group of suppressed individuals who wanted freedom, we have seen the fall of the communist bloc. No more do we see the Iron Curtain spread over Europe—we see rays of light shining through. No more do we see communism but an increased shift toward democracy. Ladies and gentlemen, freedom is in the air, and democracy is on the rise! Ceausescu and Honecker have been ousted, and we see Havel and Kohl mak-

ing new strides toward protecting this newfound freedom. They have chosen democracy.

In conclusion, democracy—government for the people and by the people—gave our forefathers a method of ruling to protect the freedom they worked so hard for; I live for freedom and appreciate democracy as its protector; and in the East European world today, freedom has been achieved and governments are adopting democracy as their protector. Yes, democracy is the vanguard of freedom.

Mr. Speaker, it is a great honor and distinct privilege for me to ask my colleagues to join me in recognition of Heidi Kristina Struve and her remarkable accomplishment in the Voice of Democracy competition.

ONE SMALL COUNTRY

HON. BENJAMIN A. GILMAN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 11, 1991

Mr. GILMAN. Mr. Speaker, on Tuesday, March 19, A.M. Rosenthal in his "On My Mind" column in the New York Times made an impassioned plea to congressional leaders and the administration to allow his holiness the Dalai Lama to address a joint session of Congress. Mr. Rosenthal spoke of the genocide in Tibet by the Communist Chinese and points out that the Dalai Lama does not ask for soldiers or Patriot missiles, "just attention, and plain words to its oppressors that genocide is as ugly in the mountains as in the desert."

Mr. Speaker, where many of us welcome the proposed greeting of the Dalai Lama in the Capitol rotunda, I strongly believe that we in the Congress should have allowed the Dalai Lama to speak before a joint session. His years of experience and insights into the last giant Communist nation on the globe which has the second largest trade deficit with our Nation, would be helpful to all of us. But most importantly, he should be allowed to speak to prevent the Congress from becoming a partner to a coverup of genocide.

Mr. Speaker, accordingly I request that Mr. Rosenthal's timely article be printed in full at this point in the RECORD:

ONE SMALL COUNTRY

There was no way to escape writing this column. I thought I was going to write about other things, which I knew would interest more people, like the Soviet Union's approaching civil war or Saddam Hussein's approaching annihilation, or those sickening lynching pictures from Los Angeles.

But I could not escape knowing that now was the time to write about Tibet—and how cruel April will be in Washington for one small country unless members of Congress say no, they have had enough.

Every person has certain things about which he feels he must speak now and then, not because people listen but because they don't. Something strong coming out of experience or convictions insists that eventually attention may be paid but even if not, at least speak.

Some of the reasons I cannot escape the Dalai Lama and his countrymen are personal—years spent in Asia as a foreign correspondent, and detestation of Communism

and all other forms of dictatorship—all, no picking and choosing.

Another reason has to do with Raphael Lemkin. Raphael Lemkin was a very annoying man. For years he wandered the headquarters of the United Nations, plucking at diplomats, trying to persuade the member countries to sign a convention making it a crime to destroy a whole people or its culture. After a long time they did sign, and he died, almost alone.

Tibet is a victim of a case of genocide as ugly as any since World War II. The country has 6.5 million people when Communist China invaded in 1950. Its Government of monks was tyrannical in its own ways. But its people were united by common history, common language, the common religion of Buddhism.

Nine years later the Dalai Lama, for Tibetans the 14th incarnation of the spirit of godliness and their national leader, escaped to India. In exile, traveling the world, he has grown to be a celebrated international political and religious figure and, ever more, his people's leader.

But in the Himalayas, at least a million Tibetans were murdered or tortured to death, or died of starvation because of Chinese colonialism.

Beijing annexed two-thirds of Tibet. Scores of thousands of children were shipped to China for education and indoctrination. Millions of Chinese were sent into Tibet, a criminal, genocidal attempt to erase Tibet's reality. In the annexed areas they outnumbered Tibetans.

The United States refuses to recognize the Tibetans. Be sensible—what kind of a market is Tibet compared with China and how many missiles does it have?

The Dalai Lama goes on. He offers to give up foreign and military affairs if Beijing gives Tibetans self-rule. He outlines a Tibetan government based on democracy and nature. And in 1989 this man who cannot get beyond State Department doors, literally receives the Nobel Peace Prize.

Tibet asks no soldiers from the United States, no Patriots, just attention, and plain words to its oppressors that genocide is as ugly in the mountains as in the desert.

The greatest of all American assets, tested and proved repeatedly, is not that it is a world policeman but that it will give its political support to freedom. There lies American national interest in Tibet.

In Washington are senators and representatives of both parties who believe this Congress has passed seven resolutions supporting Tibetans. In Tibet they are passed from hand to hand, a secret wheel of prayer.

Last year, members of both Houses tried to organize a joint session of Congress for the Dalai Lama. The White House objected, so they selected a new date—April of this year, when the Dalai Lama would again be in the United States.

But just a few days ago the White House was seized by a sudden desire to have President Violeta Barrios de Chamorro of Nicaragua speak to a joint session in April, and of course Queen Elizabeth is coming in May. Congressional leaders said that eliminated the Dalai Lama because after all how many joint sessions could you have?

Traditionally Congress follows the White House lead on joint sessions for foreigners, but there is no law about it. Representative Charles Rose, the North Carolina Democrat, says he is so mad he may have a meeting on the Capitol steps. Others talk about a meeting in the Rotunda.

Everybody knows it won't be the same thing at all. A joint session, such as Lech

Walesa had after he received the Nobel Peace Prize, would be recognition of the captivity and hope of the Tibetan people. It does not seem too much, in the interest of one small country and this large one.

TWENTY YEARS OF THE WOMEN'S MOVEMENT

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PICKLE. Mr. Speaker, it is difficult to believe that the political movement to gain equal rights for women is 20 years old. The women's movement has enjoyed its successes and endured its set-backs, but it remains as vital and energized in the 1990's as it was in its infancy in the 1970's.

A recent conference in Austin, TX, organized by Liz Carpenter, press secretary to former First Lady, Lady Bird Johnson, provided dynamic evidence that the women's movement is alive and well. No one could be better suited to organize such a celebration than Liz Carpenter, who has been one of the primary forces in the women's movement in Texas and the Nation. Her efforts "to celebrate the past and embrace the future" of the ongoing struggle for equal rights drew almost 3,000 people to the daylong conference.

I ask unanimous consent to insert into the RECORD reporter Brenda J. Breaux's account of the conference published in the Austin American-Statesman so that my colleagues can join in the celebration and the renewal of the effort to assure equal rights for all Americans.

3,000 CELEBRATE FEMINIST STRUGGLE—LEADERS OF WOMEN'S MOVEMENT CHEERED AT UT CONFERENCE

(By Brenda J. Breaux)

The women's movement of the 1970s graded the roadways for equal rights and it's now up to this generation of women to pave those roads, according to advocates speaking Saturday at a University of Texas conference.

Nearly 3,000 people attended the daylong women's conference that called for all women "to celebrate the past and embrace the future" of the fight for equal rights.

At times, the conference resembled a pep rally. Conference speakers, who were at the forefront of the women's movement in the 1970s, had to pause repeatedly because of thunderous applause, cheers and standing ovations from the audience.

"It shows how alive the women are, and they are really re-energized," said Liz Carpenter, an organizer of the conference. "We didn't know there would be such a resounding approval. We were all moved. What it says is that the women's movement is alive and thriving in Texas, Gov. Ann Richards' victory just revived it. All of us haven't heard that kind of resounding approval in a while."

Carpenter decided to use the 20th anniversary of the founding of the National Women's Political Caucus to bring together the leaders of the women's movement.

Speakers at the conference included author Betty Friedan, founder of the caucus; Jill Ruckelshaus, former caucus president; author Shana Alexander, a former television commentator and columnist Linda Ellerbee,

a former news anchor. Also, Austin attorney Sarah Weddington, who won the landmark Roe vs. Wade case, moderated a panel that included Railroad Commissioner Lena Guerrero, Texas House of Representatives Speaker Pro Tem Wilhelmina Delco and state Treasurer Kay Bailey Hutchison.

The leaders, who emerged from the movement started nearly 20 years ago, say the women of today have a lot of work ahead.

Today's leaders must work to ensure equal pay for equal work, help more women move into positions of power and dispell male myths and ideologies, they said.

"You are seeing the rewards and we are seeing the rewards of our work," said Friedan, who wrote *The Feminine Mystique*. "We organized the women's movement to make them enforce the law of equal rights. I call on you to get the rights and get them secured. I call on you to demand the same American know-how shown in the Persian Gulf to be used to end homelessness, provide better education and equality."

Friedan said she and other women who had experienced what it was like before the fight for equal rights will never return to that time. But, women of today must recognize attempts are being made to make them choose to return there, she said.

Women have begun to influence education, business, law and most of the areas dominated by males in the past, Friedan said. Women today must face the challenge of creating a new model of society influenced by both men and women, she said.

The fight for equal rights and to have it all may be possible, but it will be a tiring struggle, said Ruckelshaus.

"If you want it all, go for it. You can get it. But you will be exhausted," Ruckelshaus said. "Women my age are tired of explaining the (women's movement). We are almost too tired to take over the world, but not that tired. I don't despair on this generation."

This generation of women can teach its children equality by expanding its sons' knowledge beyond masculine myths and not imposing old feminine restrictions on its daughters. Ruckelshaus said.

"At about age 13, girls start learning to back away from the challenges and taking on what is expected of them," Ruckelshaus said. "We have to stop that, but we cannot lose the feminine nature because the world is suffering because there's not enough of it."

Sensitivity, understanding and caring come naturally to women and they must learn to trust their strengths and apply them to make the world a better place, Alexander said.

"Racism and sexism are the same thing," Alexander said. "We need a coalition of all the powerless groups and only women can hold it together. Women as a political group are equal to men in all ways except for one—their lack of confidence in themselves."

Through the fight against oppression, Alexander said, women have learned to counterpunch, but have not lost sensitivity. If women had been in charge, the war in the Persian Gulf may never have taken place, she said.

"We would have found another solution and would not have had to win at any cost," Alexander said. "Like one leader said, we bombed them back into the Stone Age with a cost of terrible human suffering. Was that necessary? I don't think so."

Alexander said America is doomed if decisions continue to be made without regard to what the majority of people want. The women's movement will also have to start considering all women and not just the middle class, the wealthy or white women, she said.

"The blue-collar workers and those on welfare, these are the women who we are working for," Alexander said. "If nobody fights for these people the nation is doomed and we are going back to the Stone Age."

Ellerbee, who was the guest speaker, said it is time for women to start teaching men. More women are in the work force, but many of those women miss days at work because they take the time to be a part of their children's lives.

"Fathers are torn between work and family because it is not socially acceptable for men to stay home," Ellerbee said. "This sets up conflicts. Well, welcome to the real world. Socially acceptable means career advancement. . . . Corporate America does not stop because of a single act of kindness. Women know that human beings are more than the carcasses they bring to the office. Nobody lies on their deathbed and says, 'Gee, I wish I had spent more time at the office.'"

The turnout of nearly 3,000 people—mostly women—was somewhat expected, Carpenter said, but the featured speakers were overwhelmed, moved and surprised by the positive response from the audience.

Most of the speakers received standing ovations, and applause drowned out speakers many times.

Carpenter said the women's movement went underground during the era of President Ronald Reagan, and many of its leaders were lost.

"Reagan just tried to send everybody back to the kitchen," she said. "Women were discouraged. They were just waiting to be pushed and shoved. The signs should be obvious to people in political life that women really want to work on the things that count for themselves and their families. Those things include the homeless, health care and education."

JIMMY DELSHAD HONORED WITH THE "BURNING BUSH AWARD"

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, from time to time, our community elects to honor a person who demonstrates outstanding service to his or her fellow being. Such a person is Jimmy Delshad. On April 17, 1991, the Federation of Jewish Men's Clubs and the Mens Club of Sinai Temple, will take the opportunity of expressing its admiration by presenting Jimmy with this year's "Burning Bush Award."

Jimmy Delshad arrived in America from Iran at the age of 19, not because he was forced to, but rather because he chose to further his education in a free country. His love for Jewish values prompted him to move and settle in Los Angeles, where he continued his education in the field of computer science. He received his bachelor of science degree with honors and continued his graduate studies at the University of Southern California.

While attending college, with the help of his brothers Mike and Fred, he formed an international club society for promoting cultural exchanges among all foreign students. Jimmy and his brothers also formed the Delshad Trio and performed for numerous charity organizations. He met his wife Lonnie while both were active in the Student Zionist Organization, and

they have been married for 23 years. The Delshads have been members of Sinai Temple since 1972.

Jimmy and Lonnie became active in Akiba Academy and have provided significant sources of energy and funds for the past 11 years. Their children, Debra, age 17, and Daniel, age 15, are both products of Sinai Akiba Academy.

Jimmy is a very active member of Sinai Temple, serving as vice president of the men's club, as a member of Sinai Temple's Board of Directors and chairman of the membership committee. Jimmy was selected as the Man of the Year in 1990, on behalf of Sinai Temple Men's Club. He has created, produced, and directed "Around the World With Music," an annual event sponsored by the men's club. Jimmy believes in giving before receiving and that an individual's opportunities for growth are limitless.

Jimmy is the president and CEO of his own computer manufacturing company, American International, which he founded 13 years ago. He lives with his family in Beverly Hills.

I ask that my colleagues in the U.S. House of Representatives join me in saluting Jimmy Delshad as he is honored by his beloved community of friends.

ARIZONA DESERT WILDERNESS DEDICATION

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RHODES. Mr. Speaker, this past weekend, on April 6, 1991, I had hoped to participate in the dedication of 2.3 million acres of new desert and wildlife refuge wilderness areas in Arizona. However, illness prevented me from attending the dedication. BLM State Director Les Rosenkrance was the master of ceremonies for the event which was held at the Eagletail Mountains Wilderness Area, about 65 miles west of Phoenix.

These new Arizona wilderness areas were designated by the Congress in legislation we passed last year. I want to include in the RECORD, the remarks I had prepared to give at the dedication. It was appropriate that these remarks were dedicated to my friend and colleague from Arizona, Representative MORRIS UDALL, chairman of the House Committee on Interior and Insular Affairs.

The remarks follow:

DEDICATION OF ARIZONA WILDERNESS AREAS

Remarks of Hon. John J. Rhodes III

Thank you, Mr. Rosenkrance. Senator Deconcini, my colleagues from the House—Jim Kolbe and Jon Kyl, ladies and gentlemen, I am pleased to be here today.

We all worked diligently and in the spirit of compromise to be here today. But, the fact is, it is because of the extraordinary vision of one man that we in fact made it here today.

For my part, I want to pay tribute to that man, and dedicate this event to him. Where we are today is representative of this quiet and peaceful man. Yet, what we are about today will be calculated among the manifold accomplishments that will be his legacy to Arizona and America.

When we considered the Arizona Desert Wilderness legislation on the floor of the House of Representatives a little over a year ago, Morris Udall said:

"The generations of Udalls before me met their challenge to tame the wilderness, to settle it and make it a home for succeeding generations."

It is because of Chairman Udall that we meet in this place, this day. He said, "There, truly, are lands of undisputable national significance." Mo Udall is, likewise, a man of undisputable national significance.

Among the 39 new and expanded wilderness designations contained in the Act that designated this site, are a relative handful of diminishing desert riparian areas. Like the Indians and settlers who first traveled these beautiful yet unforgiving lands, people are always drawn to the oasis in the desert. Chairman Udall wanted especially to protect those refreshing and nourishing lands and waters. His was a thirst to protect all these lands for generations not yet born.

His own words say it best: "Long after our own footsteps have been forgotten, these places will remain. Their eloquent stillness will bear testimony that we as a people are grateful for our chance to walk upon this Earth, and that we have the strength, the courage and the wisdom to leave at least these places as we found them."

Finally, Mo said "In wilderness, we value that which man did not create, and by restraining man's altering hand, we hope to honor this powerful work."

Those are powerful words from a gentle man. And, in honoring his work, we honor the man whose visionary love for this living desert has culminated in the reality we celebrate with him today.

OMNIBUS ADOPTION ACT OF 1961

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SMITH of New Jersey. Mr. Speaker, today I, along with 50 of my colleagues, am introducing the Omnibus Adoption Act of 1991. This bipartisan legislation is probably the most comprehensive bipartisan adoption legislation ever introduced in the House of Representatives.

Mr. Speaker, adoptions, especially unrelated domestic adoptions, have declined dramatically in the United States during the past two decades—a fact that is both tragic and unnecessary.

In 1970 for example, there were almost 90,000 unrelated domestic adoptions but today it is estimated that there are only about 50,000 annually. A number of factors can be cited for this decline: persistent misinformation and negative opinions concerning adoption; the dramatic increase in abortion on demand—there is now only 1 adoption for every 30 abortions in the United States; as well as an increased social acceptance of single parenthood; and marked increases in welfare assistance to single female parents.

While we must all recognize that even in the most advantageous of circumstances, adoption can be a trying proposition for the birth mother, evidence suggests that the benefits to all concerned, including the birth mother, are

overwhelmingly positive. In fact, some research indicates that those women who do choose to make an adoption plan for their children will be less likely to live in poverty, more likely to complete high school, and less likely to have additional unplanned pregnancies.

Adoption also provides a child who might otherwise face a bleak or less than positive childhood the prospect of having loving parents, a stable home, a higher standard of living, and enhanced career opportunities as the child matures into adulthood. In fact, according to the 1982 National Survey of Family Growth, only 2 percent of adopted children lived in poverty, compared to almost 62 percent of children living with mothers who have never been married.

Adoption also provides adoptive parents who earnestly desire to form a family the opportunity to fulfill that dream. Today there are approximately 2 million couples and individuals waiting to adopt a child—including children with special needs. In addition, the long waiting periods experienced by prospective parents have forced untold thousands to give up hope to ever adopting a child.

Mr. Speaker, it requires a tremendous amount of courage, selflessness and a special love of children for a birth mother to make an adoption plan for her child. The heroism required of the birth mother in taking such a step should not be overlooked, trivialized or minimized. Above all, these mothers deserve our deepest respect, our support and all the tangible assistance a compassionate society can possibly provide.

For years the Congress, the administration and State governments have talked about the positive benefits of adoption; however, little action has been taken. This year we plan to change all that.

Tomorrow, I, along with over 50 cosponsors in the House of Representatives, will introduce the Omnibus Adoption Act of 1991. This legislation would provide some very real and tangible benefits for adopted children, adoptive families and women who make adoption plans. Mr. Speaker, let me briefly summarize the major sections of this legislation.

First, the bill sets up the National Advisory Council on Adoption. This Advisory Council will monitor the implementation of the provisions of this Act and will also make recommendations for additional changes in law to promote adoption as a loving option.

Second, the bill provides enforcement mechanisms to implement the adoption data collection system mandated by Public Law 99-509. The Department of Health and Human Services is required to have this system operational by October 1, 1991, and we must insure that the final regulations are promulgated in time to reach this deadline.

Third, the bill establishes a Federal fellowship program for graduate studies on the positive benefits of adoption for adopted children, adoptive families and women who make adoption plans. This provision responds to the important need to establish a strong information base upon which adoption policy is predicted.

Fourth, the Omnibus Adoption Act of 1991 would provide States with grant money to develop and implement educational programs regarding the positive benefits of adoption. Let me emphasize that education on adoption is

sorely lacking today and the Federal Government must take the lead in promoting new positive images regarding adopted children, adoptive families and birth mothers who choose adoption.

Fifth, the bill would reform Federal employee and military health insurance in order to require that adopted children receive health insurance coverage equal to that afforded to biological children, including coverage of pre-existing conditions from the time of placement. It is only equitable that adopted children be treated the same as biological children under insurance policies.

Sixth, the bill would require, as a minimum standard for Federal health benefit plans, a requirement that expenses incurred by Federal employees or military personnel for prenatal and maternity care of the biological mother of a child which is adopted by that individual, be reimbursed to the Federal employee. This program would provide equitable treatment of employees who choose to build their family through adoption and would also help to provide health care to uninsured pregnant women.

Seventh, the Omnibus Adoption Act of 1991 creates a means tested \$5000 refundable tax credit for adoption expenses. As you may know, Mr. Chairman, the up front costs of adopting a child can run in excess of \$10,000, a staggering amount of money for the average American family.

Eighth, the bill creates a new program to provide low income pregnant women with certificates to pay for services provided by maternal housing and services facilities. For women who must face a crisis pregnancy, we need to insure that they have access to prenatal and maternity care regardless of their income or marital status. In a maternity home setting, these women can find the support they may lack in order to make the best possible decision for themselves and their child.

The next section of the bill establishes a program within the Department of Housing and Urban Development to provide grants to private nonprofit organizations to repair and rehabilitate existing buildings for use as maternity housing and services facilities. This provision is designed to increase the number of maternity facilities, currently estimated at about 300, a dramatic decline over the last 25 years.

Finally, Mr. Speaker, the Omnibus Adoption Act of 1991 makes a number of sense of the Congress recommendations for changes in State adoption law. Several of the witnesses testifying today will help make the case for these changes.

Mr. Speaker, adoption works. It works for children who need families; it works for couples seeking to form families; and it works for pregnant women who want to make an adoption plan for their children. However, if we are to truly make the adoption option work there is much that needs to be done and that can be done at the Federal level. The Omnibus Adoption Act of 1991, would be a very important step in that direction.

A summary of the Omnibus Adoption Act of 1991 follows:

TITLE I—NATIONAL ADVISORY COUNCIL ON ADOPTION

Section 101—Establishes the National Advisory Council on Adoption. The purpose of the Council is to monitor the implementation of the provisions of this Act and to recommend additional changes in law to promote the objectives of this Act. Membership of the Council will be chosen by the Secretary of HHS and should represent a wide range of private and public organizations.

TITLE II—ADOPTION DATA COLLECTION SYSTEM

Section 201—Requires the Secretary of HHS to report to the Congress within 30 days, and continue to report every 30 days, in order to insure that the final regulations for the Adoption Data Collection System are being implemented in accordance with the original intent. This Data Collection System is required to be operational not later than October 1, 1991.

TITLE III—ADOPTION EDUCATION PROGRAMS

Section 301—Establishes a program of graduate study fellowships for innovative programs concerning the effects of adoption on the children who are adopted, the families who adopt children and the biological parents who make an adoption plan. Such programs would include basic research, development of model curriculum and instructional programs, and development of counseling programs. Authorizes \$1 million for fiscal years 1992, 1993, 1994, and 1995.

Section 302—Establishes an Adoption Education Grant Program to be administered by the Department of Education. Grants will be provided to any State which implements programs of adoption education. The Secretary of Education will make grants based upon the number of States applying, the number of students to be served and the cost of the program to be assisted. \$25 million are authorized for fiscal years 1992, 1993, and 1994.

TITLE IV—FEDERAL EMPLOYEE AND MILITARY ADOPTION BENEFITS

Section 401—Allows Federal employees to use sick leave for purposes relating to the adoption of a child.

Establishes as a minimum standard for Federal health benefit plans a requirement that the expenses incurred by a Federal employee for prenatal and maternity care of the biological mother of a child which is adopted by a Federal employee be reimbursed to the Federal employee. Requires the Federal employee to provide notification of an intent to adopt in order to qualify and requires that the adoption become final before any reimbursement is made. Prohibits payments for any surrogate parenting arrangements.

TITLE IV—FEDERAL EMPLOYEE AND MILITARY ADOPTION BENEFITS

Section 402—Establishes a program for members of the uniformed services under which the member will be reimbursed for the costs of prenatal and maternity care of the biological mother of a child which is adopted by the member. Requires the member to provide notification of an intent to adopt in order to qualify and requires that the adoption become final before any reimbursement is made. Prohibits payments for any surrogate parenting arrangements.

Expands insurance coverage of dependents to include prenatal care.

Authorizes care for any preexisting conditions for children adopted by the member from the time a written plan of adoption is made.

Section 403—Requires OMB and DOD to coordinate their efforts in developing and implementing regulations to carry out the provisions of sections 401 and 402.

TITLE V—ADOPTION TAX CREDIT

Section 501—Creates a refundable tax credit for adoption expenses. Credit is up to \$5,000 for adjusted gross incomes up to \$60,000 and is then phased out for incomes from \$60,000 to \$100,000. The tax credit cannot be used for step parent adoptions or for any surrogate parenting arrangements.

TITLE VI—MATERNAL HEALTH CERTIFICATES

Section 601—Establishes an HHS program to provide maternal health certificates for eligible pregnant women to use to cover expenses incurred in receiving services at a maternity and housing services facility. To be eligible, the pregnant women must have an income, not including the income of any estranged spouse, which is less than 175 percent of the poverty line. The certificates will be good for up to \$100 for each day services are provided to the eligible pregnant woman.

Defines a maternity and housing services facility as a nonprofit facility licensed or approved by the State to serve as a residence for pregnant women during pregnancy which provides appropriate supportive services, which may include: room and board; medical care; educational and vocational counseling; general family counseling, including adoption counseling; and basic transportation services.

Authorizes \$50 million for fiscal year 92, \$75 million for fiscal year 93, and \$100 million for fiscal year 94.

TITLE VII—REHABILITATION GRANTS FOR MATERNITY FACILITIES

Section 701—Establishes a HUD program to provide grants to private nonprofit organizations to repair and rehabilitate existing buildings for use as maternity housing and services facilities.

Section 702—Requires grantees to submit applications to HUD and to include such assurances as the Secretary of HUD requires.

Section 703—Limits the number of grants to 100 per year with a maximum grant amount of \$1 million. Allows grants to be used for the acquisition and/or rehabilitation of existing structures for use as maternity and housing services facilities.

Section 704—Requires each grantee to submit reports to HUD to insure that the grants are being used for acceptable purposes.

Section 705—Defines a maternity and housing services facility as a nonprofit facility licensed or approved by the State to serve as a residence for pregnant women during pregnancy which provides appropriate supportive services, which may include: room and board; medical care; educational and vocational counseling; general family counseling, including adoption counseling; and basic transportation services.

Section 706—Requires the Secretary to consult with the National Advisory Council when developing regulations.

Section 707—Authorizes \$25 million in fiscal year 92, \$40 million in fiscal year 93 & \$60 million in fiscal year 94.

TITLE VIII—CHANGES IN STATE ADOPTION LAW

Section 801—States that it is the sense of the Congress that every State should implement and enforce certain laws relating to adoption, including requirements that:

(1) The State make available to all prospective adoptive parents all relevant information concerning the medical, social, and economic history and ethnic background of the child and the child's biological parents—except that such information shall not identify the child or biological parents by name;

(2) a State-approved professional shall be required to conduct a home study of the prospective adoptive parents prior to the placement of the child in their home;

(3) courts shall require a complete listing of all expenses incurred in the adoption of a child prior to the finalization of the adoption proceeding;

(4) the State shall guarantee adequate legal representation for the biological mother of a child during any legal proceeding;

(5) persons with whom a child is placed for adoption must file a petition for adoption within 1 year of placement; and

(6) States should establish minimum health benefits such that enrollees in every insurance plan would receive reimbursement for the costs of prenatal and maternity care of the biological mother of a child which is adopted by the enrollee, provided the enrollee gives notification of an intent to adopt and requires that the adoption become final before any reimbursement is made.

Minimum standards for health benefits plan should include requirements that prenatal and maternity costs of all dependents are covered and that coverage for adopted children must be equal to that given to biological children—no limitation of coverage could be based upon any preexisting condition.

MIAMI HERALD EDITORIAL DEFENDS LANGUAGE LAW IN PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. FUSTER. Mr. Speaker, as I told my colleagues earlier this week, there have been some misunderstandings in Washington and elsewhere about the bill signed into law last week by the Governor of Puerto Rico which establishes Spanish as the only official language of the Commonwealth of Puerto Rico. As I emphasized this week, Mr. Speaker, this new law does not, in any way, create a separation of any kind—real or imagined—between Puerto Rico and the United States. Nor does it prohibit the use of English in Puerto Rico.

The import of this new law has been well expressed in an editorial in the Miami Herald, Mr. Speaker; it has well captured the essence of what we in Puerto Rico have been saying all along. With that in mind, I would like to share that editorial with my colleagues today.

[From the Miami Herald, Feb. 18, 1991]

HISPANIC STATE OF MIND

With brilliance, Puerto Rico's intellectuals have made an irrefutable case for the Hispanic character of the island's culture. Even so, it could be argued that modern Puerto Rico is neither fully American nor fully a part of the Spanish-speaking Caribbean.

Yet its hybrid culture has displayed great strength and resiliency since Puerto Rico became an American colony in 1898. Washington's first colonial officials subjected Puerto Rico to an intense and unjust "Americanization" campaign. By 1930, it became evident that Puerto Ricans were not becoming model English-speaking colonial subjects. The campaign failed dismally and scarred Puerto Rican society. The immense majority of Puerto Ricans remained monolingual Spanish speakers.

De facto, Spanish is still the island's language in daily life, government, schools,

business. De jure, however, Puerto Rico has been officially bilingual since 1902. But that appears poised to change if the island's Senate passes a House-approved bill making Spanish the official language of Puerto Rico.

Criticized by some as a "Spanish-only" measure, the bill is nothing of the sort. It provides for using English where it is now used: in financial transactions, in relations with the Federal Government, in education; and in official records and documents. It even recognizes the "transcendence" of English and acknowledges it as the island's preferred second language.

Indeed, in practice, the measure will leave things as they are in Puerto Rico. But it constitutes an eloquent expression of the island's genuine Hispanic identity.

Significantly, Puerto Rico's three main political parties seem to agree on the Hispanic character of Puerto Rican culture, though statehood advocates oppose the measure to make Spanish the island's official language. Confusedly, they claim that it will harm Puerto Rico's changes for statehood. Only Puerto Rican voters rejection of statehood in a referendum can do that. And questions about its future cultural identity may have to be answered by how Puerto Rico defines its political status.

A TRIBUTE TO 970 AM RADIO WKHM

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to an outstanding radio station of the Jackson, MI community. This radio station has served the community with distinction and embarking on its 41st year of excellence. This organization is WKHM Radio located at 970 on the AM dial.

Celebrating its 40th anniversary of broadcasting, WKHM has covered local, national, and international news stories; broadcast live sporting contests and dramas; introduced people to their neighbors; and in many cases, helped the Jackson area as much as they could.

WKHM has received over 2,000 awards, citations, and honorary notices since 1951. United Press International and Associated Press have recognized the station seven times as "Station of the Year."

The radio station offers an adult contemporary format 24 hours each day and has grown to be an important source of information for residents of Jackson County.

Mr. Speaker, I ask my colleagues to join with me in congratulating a truly outstanding organization of the Jackson community, WKHM, on their 40th anniversary. I wish them continued success in providing services to the community.

THE OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1991

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to introduce the Older Americans Health Promotion and Disease Prevention Act of 1991, a bill to significantly improve senior citizens' access to and participation in health promotion and disease prevention services. I urge my colleagues to join me as cosponsors of this important legislation.

As all of us know, health care costs continue to skyrocket in the United States. No one shoulders a heavier burden in this regard than our Nation's senior citizens.

One of the most important components of a comprehensive strategy to reduce health care costs is to emphasize preventive health care programs. If we prevent disease before it occurs, we will not only save huge sums of money, but we will also substantially improve the quality of life for Americans.

Recent studies have shown that older Americans are able to benefit significantly from health promotion and disease prevention services. Some senior centers and congregate meal programs funded through the Older Americans Act are already providing these services, but only on a limited basis. The Older Americans Health Promotion and Disease Prevention Act is designed specifically to increase older Americans' access to these services—at sites which are already visited by thousands of seniors each day. These sites are ideally suited for the provision of preventive health services such as blood pressure screening, exercise programs, smoking cessation programs, nutritional counseling and weight reduction programs, alcohol control, and injury prevention, among others.

These wellness programs will help senior citizens take responsibility for their own health care needs. The result will be higher quality care for our seniors, and significantly reduced costs for the taxpayers.

Across the Nation, there is nothing more critical to senior citizens than responding to their health care needs. The Older Americans Health Promotion and Disease Prevention Act will make a significant contribution in this regard. This bill has been introduced in the other body by Senator Harkin and several colleagues. It has been endorsed by the National Council of Senior Citizens and the National Council on the Aging.

Once again, I would urge all of my colleagues to join me and Representatives MURPHY, OWENS of New York, MINK, DE LUGO, OWENS of Utah, BILBRAY, ENGEL, and WILSON in cosponsoring this important measure.

A brief summary of the bills provisions follows:

THE OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1991

BILL SUMMARY

Sections 1 and 2: Section 361 (Part F—Prevention Health Services) is amended to require the Commissioner on Aging to make grants to the States to provide disease pre-

vention and health promotion services and information at senior centers, congregate meal sites, home-delivered meals programs or at other appropriate sites.

Section 3: Defines the term "disease prevention and health promotion" services to mean:

- (1) Health risk assessments;
- (2) Routine health screenings;
- (3) Nutritional counseling and educational services;
- (4) Health promotion programs, including those aimed at alcohol abuse reduction, smoking cessation, weight loss and control and stress management.

- (5) Group exercise programs;
- (6) Home injury control services;
- (7) Screening for prevention of depression;
- (8) Educational programs on the availability, benefits and appropriate use of Medicare covered preventive health services; and
- (9) Counseling regarding followup health services found to be needed based on any of the above services.

These services shall not include any for which payment is available through the Medicare program.

Section 4: Authorizes \$25 million in fiscal year 1992 and such sums as may be necessary in fiscal years 1993-1995 to carry out this program.

EXTRATERRITORIAL EMPLOYMENT PROTECTION AMENDMENTS, 1991

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MFUME. Mr. Speaker, on March 28, 1991, I forwarded a personal letter to the House leadership and a Dear Colleague to every Member of the House expressing my intent to amend title VII of the Civil Rights Act of 1964 to provide coverage for American citizens working abroad for American-based firms. With your permission, Mr. Speaker, I wish to submit a brief summary of my amendment to be included within the text of my statement for the CONGRESSIONAL RECORD.

Mr. Speaker, on March 26, 1991, the Supreme Court ruled in EEOC versus ARAMCO that title VII, which prohibits discrimination, does not apply to American citizens working for American-based firms overseas. The Supreme Court ruled that Congress never expressly said that title VII applies to American citizens abroad. The Court said that laws passed by Congress are presumed to apply only within the United States, unless Congress spells out a broader reach.

The Court's decision could affect more than 2.2 million U.S. citizens residing abroad and 2,000 U.S. companies with 21,000 subsidiaries in 121 countries.

Mr. Speaker, my bill addresses this situation equitably for American citizens and businesses. Simply, my amendment defines an employee as being a U.S. citizen. I exempt American-based firms from compliance with my amendment if it causes them to violate the laws of the foreign nation in which they are operating.

However, if an American-based firm controls a corporation through the interrelation of operations, common management, centralized con-

trol of labor relations, and the common ownership or financial control of the employer and corporation is covered by this amendment.

The effective date of my amendment will be on the date of enactment and the amendment shall not apply to conduct occurring before the date of enactment of this act.

Mr. Speaker, I will work diligently to ensure that my amendment receives bipartisan support from both sides of the aisle and hope that we will be able to incorporate this amendment into the Civil Rights Act of 1991 during floor action.

I encourage all of our colleagues to review the legislation and contact me if you wish to support my effort, or if you have any questions or comments.

INTRODUCTION OF THE RICO IMPROVEMENT ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HUGHES. Mr. Speaker, today I am introducing the RICO Improvement Act of 1991 on behalf of myself, Mr. BOUCHER, and a bipartisan list of distinguished members of the Judiciary Committee.

I would like to take special note of the exceptional contribution to this bill by the gentleman from Virginia [Mr. BOUCHER]. We would not be this far along to a consensus without his admirable skills and diligence. This bill is essentially, the same as H.R. 5111, which was favorably reported from the Judiciary Committee late in the second session of the 101st Congress, but was not brought to the floor due to the press of other legislative business and the intensity of our budget deliberations.

As some of you know, Congress has been working for over 6 years to reform civil RICO, ever since the U.S. Supreme Court warned that civil RICO had come to be used in ways never envisioned by Congress. In fact, the extensive hearings over the years have established beyond dispute that civil RICO's powerful treble damages remedy, designed for use against criminal racketeering, is being used with increasing frequency as a tool in every day civil litigation to leverage extraordinary settlements from and to damage the reputations of adversaries.

The RICO Improvement Act of 1991 is a compromise bill, fashioned after considerable negotiations in the 101st Congress to develop the best vehicle to curb this misuse of the RICO statute. The bill preserves the use of multiple damage civil RICO actions for those cases where there has been egregious criminal conduct but it removes the availability of civil RICO from ordinary commercial transactions. Thus, civil RICO will continue to be available to plaintiffs for use against the most serious kinds of fraud, such as that in many of the savings and loans cases, but it will preclude its use in most routine disputes where much of the past abuse has occurred.

Last year, there was some concern about a provision in an earlier draft of the bill which allowed judicial discretion in the award of damages in some pending cases. While this provision would not have relieved any defendant of liability, I offered an amendment at full committee which removed the judicial discretion provision. The bill now is prospective only.

In the first 10 years after RICO was enacted into law in 1970, it was used sparingly on the criminal side, and hardly at all in civil cases. Only in the last 8 years have there been definitive interpretations of its broad language by the U.S. Supreme Court. The Department of Justice prosecuted fewer than 300 criminal cases from 1970 to 1980 and from 1970 through 1985 there were only 270 reported civil RICO cases.

It is in this latter area, civil RICO, where our investigation has shown that we have our greatest problem. The Administrative Office of the U.S. Courts indicates that since 1985 there have been about 1,000 civil RICO cases filed each year. Numbers alone, however, do not reflect the effects of the infusion of these complex cases into the Federal system, or the impact of the mere filing of such a case against a defendant.

It is also noteworthy that the Judicial Conference of the United States has twice called on Congress to reform the civil provisions of RICO, and Chief Justice Rehnquist recently reiterated the need for reform of the statute.

Without belaboring the point, it is our opinion that on the basis of over 1,200 pages of testimony in the 100th Congress and many more thousands of pages in prior Congresses, there is a need for RICO reform.

The bill I am introducing today is our best effort to remove the ambiguities, tighten up some of the essential elements of civil RICO, and still maintain it as an effective law enforcement tool without the unwanted excess baggage of ever increasing commercial litigation.

The following are highlights of the bill:

First, a tightening up of the pattern of racketeering requirement in RICO and codify the concepts of continuity and relationship as articulated by the majority opinion in the recent Supreme Court case in *H.J. Inc.* and the Department of Justice guidelines on single episode.

Second, limiting civil actions under RICO to cases involving egregious criminal conduct. To implement this limitation, the bill included a judicial gatekeeper provision, under which the courts are to dismiss suits that do not meet that standard.

The rationale for this approach is found in the legislative history of RICO. That history indicates that the primary purpose for allowing private civil suits under RICO was to promote the public interest by allowing for so-called private attorneys general suits. This was based on the premise that these civil suits would supplement governmental action and would attack real criminal conduct—not just contracts disputes written up to sound like crimes. The bill is sensitive, however, to the invidious nature of the S&L frauds and other major financial frauds where civil RICO is especially pertinent.

Opponents of RICO reform claim that RICO reform efforts could help crooks involved with

the savings and loan scandal. This is patently false. The RICO Reform Act focuses civil RICO upon egregious criminal fraud, and there is no question that the savings and loan scandal is a text book example of just such conduct. But to leave no room for doubt—or grandstanding—on this subject, the RICO Reform Act of 1991 specifically states that misconduct related to savings and loan failures will be presumed to meet the egregious criminal conduct test, the effect of which will be to permit plaintiffs to proceed under civil RICO.

The bill maintains treble damages for those actions and other egregious conduct that pass the gatekeeper test. This will also reserve civil RICO for major white-collar frauds such as large consumer frauds and other financial frauds in the future.

Third, the bill also sets a clear and convincing standard of proof for civil RICO. This is an intermediate standard of proof for civil cases usually used in State cases involving allegations of fraud and other quasi-criminal wrongdoing by a defendant. As such it appears appropriate for civil RICO.

Fourth, the bill specifically states that civil RICO jurisdiction lies exclusively with the Federal courts and makes it clear that RICO is not available as a remedy in nonviolent free speech and assembly situations.

This legislation presents a sound basis for curbing most of the abuses of RICO while at the same time maintaining civil RICO as a useful tool to combat and deter major criminal activity. I also believe the guidance contained in this bill and the legislative history will provide an appropriate legal framework for future use of civil RICO as an extraordinary civil remedy.

My long and deep involvement with this issue convinces me that the RICO Improvement Act of 1991 provides a carefully balanced approach to civil RICO reform. It enjoys the active support of a broad array of business, labor, and public interest organizations. It deserves your strong support as well.

JAPAN IS RISKING A TRADE WAR WITH AMERICA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ROTH. Mr. Speaker, there is a troubling chain of recent events in our trade relations with Japan, which raises the possibility of a coming trade war. As the ranking Republican on the Foreign Affairs Committee's Subcommittee on International Economic Policy and Trade, I have been monitoring these developments with growing concern. Other Members, I know, share my assessment of this situation.

The latest report on barriers to American exports, issued by the United States Trade Representative, cites Japan for more trade obstacles than any other single country. As a result, Japan alone accounts for 40 percent of our Nation's \$101 billion trade deficit.

The USTR report also provides an extensive catalog of the pending bilateral negotiations between the United States and Japan over

trade obstacles, including: computers, semi-conductors, paper products, auto parts, telecommunications, construction, and wood products.

Moreover, our trade negotiators continue to pursue the structural impediments initiative, a unique round of talks with Japan about their more fundamental obstacles to American exports.

Although modest progress is being made in several areas, the overall Japanese posture is continued resistance to any substantial progress. In fact, Japan seems to be backing away from trade commitments made in earlier talks, most notably in the area of United States access to Japan's semiconductor market.

Nothing could better underscore the hardening Japanese attitude than the recent outrageous action of blocking the exhibition of American rice products at a trade show, with the reported threat of arrest of the American exhibitors.

Japan must come to understand that America is losing patience with this all-take-no-give posture. Many of us in Congress believe in fair trade and oppose protectionism for its own sake. But I for one also believe in being realistic. That is why I support extension and strengthening of the "Super 301" provisions of the Trade Act.

The pattern of Japanese actions may well lead us to actions that are even more severe. The test will be in how Japan responds in the current series of negotiations. If Japan persists in their current policy, we in Congress will respond. We do not want a trade war, but neither will we continue to allow Japan free access to sell \$90 billion a year in this country if we do not gain better access to Japan's markets.

This assessment is shared in Europe, which is closely watching United States-Japan trade relations. A recent article in the *London Times* is a cogent summary of the deteriorating situation, and I commend it to my colleagues.

[From the *Sunday Times*, Apr. 7, 1991]

JAPANESE RISK A TRADE WAR

(By Irwin Stelzer)

The Japanese seem intent on destroying the world trading system that has brought them from the ashes of defeat to an astonishing level of affluence. Last week's meeting of Toshiaki Kaifu, the prime minister, with President Bush provided several great photo-opportunities—smiling allies preparing plans for a new world order—but didn't obscure the hard fact that Japanese-American relations are at a low ebb. And if a trade war does break out, weakening the General Agreement on Tariffs and Trade (GATT), Europe will inevitably be drawn in.

That trade war might just happen. Congress is rife with anti-Japanese sentiment, in part because Japan dithered so long before agreeing to share the burden of the Gulf war. First it offered token financial support. Then it offered \$13 billion, an acceptable but modest sum, given its dependence on Middle East oil. Then it held back payment until fluctuating exchange rates reduced the value of the yen it was giving by some \$500m. Congress is annoyed.

But not nearly so annoyed as it is over Japan's persistent refusal to open its markets to American goods, a refusal that reached ludicrous heights at a recent trade fair in Japan.

The United States Rice Council displayed 10 lbs. of American rice in a locked glass case, under a sign: Have a Rice Day. Japan's agriculture minister ordered its removal. When the Americans refused, the Japanese threatened to cut off their electricity and to have them arrested. They surrendered and withdrew the offending grains. But Edward Madigan, secretary of agriculture, fired off a letter to his Japanese counterpart pointing out that America's 2m farmers might stop buying Japanese pick-up trucks. Of such stuff is a trade war made.

More significantly, the Office of the United States Trade Representative, in its latest report on trade barriers, complains about Japan's high tariffs on petrochemicals, aluminum, paper and a wide range of farm products. It also asks Japan to relax its quotas on imports of shoes, wheat, rice and peanuts, and to abandon artificial barriers to timber and other imports. It points out that Japanese government procurement rules continue to discriminate against foreign computers (see opposite). The list goes on—for 17 pages.

None of this is small beer. The Trade Representative estimates that one restriction—on imported rice—is costing American farmers \$656m a year. Perhaps even more important is the fuel Japan's policies add to protectionist fires in America.

The Democrats, led by the House minority leader and presidential aspirant, Richard Gephardt, have been groping for an opposition theme. They think they have found one. Under the headline No More Uncle Sucker, Senator Ernest Hollings wrote in the New York Times: "We tried to set an example of high-minded free trade and openness, and we were mugged."

Pressure to retaliate by restricting imports has not been relieved by recent declines in the trade deficit with Japan. Critics of Japan's one-way policies say the improvement is ephemeral and misleading—ephemeral because the drop in America's imports is due to a transient, recession-induced reduction in our appetite for television sets, video recorders and cars. And misleading because the quality of trade is turning against America, even as numbers measuring the quantity of imports and exports improve.

"More and more of the high-tech, high-quality, high-end jobs are being controlled by the Japanese," says Professor Bruce Scott of Harvard. The National Association of Manufacturers agrees. In a letter to Bush it called for a fundamental re-evaluation of relations with Japan to prevent declines in "living standards, leading-edge technologies, research-and-development-intensive exports and per-capita income".

If that re-evaluation results in anything like the "results-oriented" trade policy for which many Democrats are pressing—quantitative targets for trade, by product—look for Japan to retaliate. There is a new feeling of assertiveness in that country, reflected in videos, shown here, depicting lazy American factory workers unable to cope with Japanese methods or keep the pace set by Japanese managers.

This assertiveness is reflected in a hardening of Japanese attitudes. Japan's agriculture minister says there will be no easing of restrictions on rice imports. Its vice-minister of finance for international affairs refused a request to drop restrictions on American financial-services firms. And flexing his creditors' muscles, he threatened to curb the flow of Japanese credit if America retaliated.

All of this bodes ill for the fledgling economic recovery. A good deal of the world's

prosperity stems from the increase in world trade that accompanied postwar liberalization efforts. Japan makes good, inexpensive cars for Americans to drive; Americans make films that Europeans watch; Europe provides fine engineering products. Everyone benefits.

But America is also the world's most efficient producer of food and financial services. Its computers are among the best, as is its telecom equipment. Yet the Japanese government won't let its people have free access to these products, apparently thinking that America will continue to buy \$90 billion of its goods every year even though we can't display, much less sell, 10lb of rice in Tokyo.

Japan may be right. But if its politicians are wrong, and America's protectionists get the bit between their teeth, the Uruguay Round may end in failure and the liberal world trading system may be festooned with restrictions that make goods more expensive, and economic growth more difficult.

NATIONAL D.A.R.E. DAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, today I am reintroducing legislation with my colleague FRANK WOLF to designate September 12, 1991, National D.A.R.E. Day. D.A.R.E., an acronym for Drug Abuse Resistance Education, is an educational program which teaches students the skills necessary to say no to drugs.

Traditional drug abuse programs emphasize drug identification and the harmful effects of drugs and alcohol. D.A.R.E. goes beyond that, and teaches kids in very practical terms how to resist the pressure to use drugs. The program is taught by veteran police officers who have direct experience with the tragedies and crimes caused by drug abuse, and who can speak about the effects of substance abuse with unmatched credibility.

Many experts believe that substance abuse prevention should begin early. Although the core of the program is directed at fifth and sixth graders, the D.A.R.E. Program has four levels, taking kids from kindergarten through high school. From kindergarten through fourth grade D.A.R.E. officers make periodic visits to classrooms, to acquaint the children with the program and with the officers, laying the groundwork for later classes.

In the fifth and sixth grades, students are taught the core of the program, which consists of 17 lessons, taught once a week over the course of a semester. These classes are on a wide range of subjects, including drug use and misuse, decisionmaking and risk taking, resistance techniques, and assertive response styles. Other D.A.R.E. units help students understand self-image, recognize stress and manage it without taking drugs, and analyze and resist media presentations about alcohol and drugs. In junior high and high school, the program follows up with another 19 lessons, building on the values and techniques taught in the core course, and applying them to real life situations.

Independent research has confirmed the success of the D.A.R.E. Program. D.A.R.E. graduates are less accepting of drug use and

more able to resist peer pressure to use drugs. The D.A.R.E. Program also contributes to improved study habits and grades, decreased vandalism and gang activity, and a more positive attitude toward the police and school.

Originally developed as a cooperative effort of the Los Angeles Police Department and the Los Angeles Unified School District, D.A.R.E. Programs are now being taught in all 50 States and the District of Columbia. Additionally, the D.A.R.E. Program has been adopted for use internationally in the Department of Defense dependent schools. This year, more than 5 million students will be taught drug resistance skills in the D.A.R.E. Program.

Mr. Speaker, I would like to commend those involved with D.A.R.E. It is making an important contribution to the fight against substance abuse by our young people. I am pleased to have the opportunity to recognize this outstanding program.

A copy of the bill follows:

H.J. RES. 217

Whereas Drug Abuse Resistance Education (DARE) is the largest and most effective substance-abuse prevention education program in the United States and is now taught to 20,000,000 youths in kindergarten through 12th grade;

Whereas DARE is taught in more than 150,000 classrooms, reaching more than 3,500 communities in all 50 States and the Department of Defense Dependent Schools worldwide;

Whereas the DARE program has become a model substance-abuse prevention program for the world and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rica, and Mexico;

Whereas the DARE core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decision-making skills and the consequences of their behavior, and by building self-esteem while teaching students how to resist peer pressure;

Whereas DARE provides parents with information and guidance to further their children's development and to reinforce the decision to lead drug-free lives;

Whereas the DARE program is taught by veteran police officers who have years of direct, on-the-street experience with lives ruined by substance abuse, giving the officers a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the DARE program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas, according to independent research, DARE generates greater respect for police officers, substantially affects students' attitudes toward substance use, and contributes to improved study habits, higher grades, and decreased vandalism and gang activity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991, is designated as "National DARE Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

A SIMPLE BUT EFFECTIVE BILL TO HELP DEAL WITH VIOLENT CRIME

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to reintroduce legislation I believe will go a long way toward quelling our unacceptable rate of crimes committed with a firearm.

As many of my colleagues may know, I was recently the victim of a violent attack. While I will never know if my assailant was actually carrying a weapon, I believe my legislation would act as a strong deterrent.

During the 101st Congress, I sponsored H.R. 2529, legislation that attracted the support of 68 of my colleagues. The bill I have introduced today is identical.

This legislation will be aimed directly at criminals. Provisions in my legislation will strengthen a number of weak penalties in existing law. For instance, no longer will convicted felons receive only a slap on the wrist when caught in possession of a firearm. My bill would create a mandatory 5-year minimum sentence without opportunity for parole for the unlawful possession of a firearm by a convicted felon, fugitive from justice, unlawful user of a controlled substance, or a knowing transferor or receiver of a stolen firearm.

In addition, this legislation would increase the general penalties for violations of Federal firearms laws from a discretionary 5 years and/or \$5,000 fine to 10 years and/or \$10,000 fine. The enhanced penalties for possession of a firearm in connection with a crime of violence or drug trafficking crime are also increased for a first-time offense from 10 years to 30 years without opportunity for parole, probation, or concurrent sentence.

While this bill is similar in certain respects to provisions of other crime fighting measures, it differs from most in at least one important aspect.

Many proposals only address crimes involving semiautomatic assault weapons. While it is true that we recently have seen an increase in crimes involving these weapons, the fact remains that well over 90 percent of all firearm-related crimes involve weapons other than assault rifles. While semiautomatic assault weapons may command more media attention than handguns, I think it is important to recognize the prevalent role that handguns play in violent crime.

For this reason, I think it significant that the penalties called for in my legislation apply to all violators of Federal firearms laws, regardless of what types of weapons are used. Misuse of firearms is intolerable and should not be dealt with lightly, regardless of the weapon involved.

In closing, Mr. Speaker, the bill I have introduced is a simple yet effective measure to deal with the problem of violent crime. I encourage my colleagues to join me in this effort and look forward to addressing this important concern.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE THE PENSION REFORM ACT OF 1991

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. KENNELLY. Mr. Speaker, today I am introducing the Pension Reform Act of 1991.

We have made important strides recently in improving pensions for women, particularly in the Retirement Equity Act of 1984 and the Tax Reform Act of 1986. But we need to do more.

My legislation would allow pensions not divided at the time of divorce to be divided now, pursuant to a court order, thereby effectively making the Retirement Equity Act retroactive.

My bill would extend the 5-year vesting period for single employer pension plans to multiemployer plans.

Faster vesting leads the way to greater portability, the ability to carry one's credit for service in an employer sponsored pension plan from job to job. My bill would also require the General Accounting Office to study pension portability and make recommendations to Congress.

Finally, Social Security integration is a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. My legislation would eliminate integration entirely by January 1, 2000.

I would urge my colleagues to support this vital piece of legislation.

DEFENSE DEPARTMENT IN PRO- CESS OF CREATING A NEW RE- VOLVING FUND

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RAY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important change going on at the Department of Defense. The Department of Defense is in the process of creating a new revolving fund called the defense business operations fund—the DBOF. Technically, the DBOF is a single revolving fund designed to place Department of Defense business accounts under one umbrella. The DBOF represents an effort by the Department of Defense to restructure its financial operations. Fiscal year 1992 will be the first year of the DBOF. In fiscal year 1992 we will see the dissolution of existing Army, Navy, and Air Force stock and industrial funds. These accounts will be replaced by the DBOF.

In the past, the services have maintained control of their respective stock funds to fund their supply, depot maintenance, and transportation needs. The DBOF will end this control. Mr. Chairman, the DBOF will be controlled by the Department of Defense. This means that the Defense Department can shift these funds around in any way they see fit, without regard to the priorities set by the services.

During the Easter recess I visited the Air Force logistic centers. I discussed the DBOF

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at length with each commanding general and I conclude that little is understood about the DBOF and what it will mean for the services. The House Armed Services Subcommittee on Readiness will hold a hearing later this month on the DBOF and other major changes occurring in the Pentagon. I encourage my colleagues to study the DBOF closely as it will have a serious impact on the way service funds are managed, and could significantly reduce congressional oversight of such funds.

THE CAPITAL GAINS TAX FAIRNESS ACT OF 1991

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I'm introducing the "Capital Gains Tax Fairness Act of 1991" to provide capital gains tax relief for middle income taxpayers. Some of us in Congress feel that it's time to consider a proposal that offers real and substantial capital gains relief to small businesses, farmers and other individuals who receive modest amounts of capital gains income each year.

In contrast to the President's proposal which would give 83 percent of the benefits to those with incomes over \$100,000 a year, my proposal would focus its benefits on the middle income taxpayers who have an occasional capital gains.

The legislation that I've introduced allows an individual taxpayer to take up to a \$200,000 basket of capital gains income at a lower rate over the lifetime of the taxpayer. Specifically, an individual would be permitted to exclude from income 50 percent of long-term gain received from the sale of most capital assets—except publicly traded assets and collectibles—up to a lifetime cap of \$200,000. This proposal, that I developed in the 101st Congress, was passed by the House as part of last year's budget summit. It was later dropped in conference with the Senate.

In addition, my bill permits taxpayers to exclude a modest \$1,000 of annual capital gains income received from asset sales including publicly traded assets. However, this exclusion is phased out for those taxpayers who make over \$150,000 per year. The annual \$1,000 exclusion amount is not counted against the lifetime cap.

This legislation is designed to help the family that sells a small business or family farm after owning it for 20 years, or a family that is cashing in some of the stock saved for their kids college education. It seems to me that it's only fair to eliminate the taxing of 20 years of inflationary value in those circumstances. The advantage of this approach is that it would offer capital gains relief to those who truly need it, without breaking the bank and without giving a tremendous tax cut to the wealthiest Americans.

Growth should be provided by generally lower taxes for everyone, not special tax breaks only for the rich. That's why I've developed a capital gains approach to ensure that

capital- and ordinary-income tax rates stay relatively low, while providing relief from the inflationary gain that occurs on the asset sales of middle income Americans. Business investment decisions will remain guided by the marketplace, and not directed, once again, by sophisticated tax shelter peddlers for the rich.

In my judgment, this policy will help to strengthen the economy, to lower interest rates and to create new jobs and greater opportunities for future generations. I urge my colleagues to cosponsor this bill.

A full text of the bill follows:

H.R. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Capital Gains Tax Fairness Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS

SEC. 101. REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS.

(A) GENERAL RULE.—Part I of subchapter P of Chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. CAPITAL GAINS REDUCTION FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

- "(1) the annual capital gains deduction (if any) determined under subsection (b), plus
- "(2) the lifetime capital gains deduction for nontradable property (if any) determined under subsection (c).

"(b) ANNUAL CAPITAL GAINS DEDUCTION.—

"(1) IN GENERAL.—For purposes of subsection (a), the annual capital gains deduction determined under this subsection is the lesser of—

- "(A) the net capital gain for the taxable year, or
- "(B) \$1,000.

"(2) PHASE-OUT FOR INCOMES BETWEEN \$100,000 AND \$150,000.—The \$1,000 amount specified in subparagraph (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to \$1,000 as—

"(A) the adjusted gross income of the taxpayer for the taxable year in excess of \$100,000, bears to

"(B) \$50,000.

"(3) CERTAIN INDIVIDUALS NOT ELIGIBLE.—This subsection shall not apply to—

"(A) any taxpayer whose adjusted gross income for the taxable year exceeds \$150,000, or

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) ANNUAL DEDUCTION NOT AVAILABLE FOR SALES TO RELATED PERSONS.—The amount of the net capital gain taken into account under paragraph (1)(A) shall not exceed the amount of the net capital gain determined by not taking into account gains and losses from sales and exchanges to any related per-

son (within the meaning of section 267(b) or 707(b)(1)).

"(c) LIFETIME CAPITAL GAINS DEDUCTION FOR NONTRADABLE PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the lifetime capital gains deduction for nontradable property determined under this subsection for any taxable year is 50 percent of the qualified gain for such taxable year.

"(2) LIMITATION.—

"(A) IN GENERAL.—The amount of the qualified gain taken into account under paragraph (1) for any taxable year shall not exceed \$200,000 reduced by the aggregate amount of the qualified gain taken into account under this subsection by the taxpayer for prior taxable years.

"(B) SPECIAL RULE FOR JOINT RETURNS.—The amount of the qualified gain taken into account under this subsection on a joint return for any taxable year shall be allocated equally between the spouses for purposes of determining the limitation under subparagraph (A) for any succeeding taxable year.

"(3) QUALIFIED GAIN.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified gain' means the lesser of—

- "(i) the net capital gain for the taxable year reduced by the annual capital gains deduction for such taxable year, or
- "(ii) the net capital gain for the taxable year determined by only taking into account gains and losses from sales and exchanges on or after April 11, 1991 of qualified assets.

"(B) SPECIAL RULES.—

"(i) For purposes of subparagraph (A)(ii), any amount treated as a capital loss for the taxable year under section 1212 shall be treated as a loss from a sale or exchange on or after April 11, 1991 of a qualified asset.

"(ii) A taxpayer may elect for any taxable year not to take into account under this subsection all (or any portion) of the qualified gain for such taxable year. Such an election, once made, shall be irrevocable.

"(4) QUALIFIED ASSETS.—For purposes of this subsection, the term 'qualified assets' means any property other than—

"(A) stock or securities for which there is a market on an established securities market or otherwise, and

"(B) property (other than stock or securities) of a kind regularly traded on an established market.

"(5) SUBSECTION NOT TO APPLY TO CERTAIN INDIVIDUALS.—This subsection shall not apply to any individual who has not attained age 25 before the close of the taxable year.

"(d) SECTION NOT TO APPLY TO CERTAIN TAXPAYERS.—No deduction shall be allowed under this section to—

"(1) a married individual (within the meaning of section 7703) filing a separate return for the taxable year, or

"(2) an estate or trust.

"(e) SPECIAL RULES.—

"(1) TREATMENT OF CERTAIN SALES OF INTERESTS IN PARTNERSHIPS, ETC.—For purposes of subsection (c), any gain from the sale or exchange of a qualified asset which is an interest in a partnership, S corporation, or trust shall not be treated as gain from the sale or exchange of a qualified asset to the extent such gain is attributable to unrealized appreciation in the value of property described in subparagraph (A) or (B) of subsection (c)(4) which is held by such entity. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(2) DEDUCTION AVAILABLE ONLY FOR SALES OR EXCHANGES ON OR AFTER APRIL 11, 1991.—

The amount of the net capital gain taken into account under subsections (b)(1)(A) and (c)(3)(A)(i) shall not exceed the amount of the net capital gain determined by only taking into account gains and losses from sales and exchanges on or after April 11, 1991. For purposes of the preceding sentence, any amount treated as a capital loss for the taxable year under section 1212 shall be treated as a loss from a sale or exchange on or after April 11, 1991.

"(3) DETERMINATION OF ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—For purposes of subsection (b), adjusted gross income shall be determined—

"(i) without regard to the deduction allowed under this section, but

"(ii) after the application of sections 86, 135, 219, and 469.

"(B) COORDINATION WITH OTHER ADJUSTED GROSS INCOME LIMITATIONS.—For purposes of sections 86, 135, 219, and 469, adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(4) SPECIAL RULE FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this section with respect to any pass-thru entity—

"(i) the determination of when the sale or exchange occurs shall be made at the entity level, and

"(ii) any gain attributable to such entity shall in no event be treated as gain from sale or exchange of a qualified asset if interests in such entity are described in subparagraph (A) or (B) of subsection (c)(4).

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru-entity' means—

- "(i) a regulated investment company,
- "(ii) a real estate investment trust,
- "(iii) an S corporation,
- "(iv) a partnership,
- "(v) an estate or trust, and
- "(vi) a common trust fund."

"(b) TREATMENT OF COLLECTIBLES.—

"(1) IN GENERAL.—Section 1222 is amended by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR COLLECTIBLES.—

"(A) IN GENERAL.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) TREATMENT OF CERTAIN SALES OF INTERESTS IN PARTNERSHIPS, ETC.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m)) without regard to paragraph (3) thereof."

"(2) CHARITABLE DEDUCTION NOT AFFECTED.—

"(A) Paragraph (1) of section 170(e) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

"(B) Clause (iv) of section 170(b)(1)(C) is amended by inserting before the period at

the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) MINIMUM TAX.—Paragraph (1) of section 56(b) is amended by adding at the end thereof the following new subparagraph:

"(G) CAPITAL GAINS DEDUCTION NOT ALLOWED.—The deduction under section 1202 shall not be allowed."

(d) COORDINATION WITH MAXIMUM CAPITAL GAINS RATE.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A)."

"(2) COORDINATION WITH SECTION 1202 DEDUCTION.—For purposes of paragraph (1), the amount of the net capital gain shall be reduced by the sum of—

"(A) the amount allowable as a deduction under section 1202(a)(1), plus

"(B) the amount of the qualified gain (as defined in section 1202(c)) for the taxable year to the extent taken into account under section 1202(c)(1) for the taxable year."

(e) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 62 is amended by inserting after paragraph (13) the following new paragraph:

"(14) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1202."

(2) Clause (ii) of section 163(d)(4)(B) is amended by inserting ", reduced by the amount of any deduction allowable under section 1202 attributable to gain from such property" after "investment".

(3)(A) Paragraph (2) of section 172(d) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(4)(A) Section 220 (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of Chapter 1 is amended by striking "reference" in the item relating to section 220 and inserting "references".

(5) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(6) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction

for net capital gain) and" after "except that".

(7) Paragraph (1) of section 1402(i) is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(f) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Capital gains deduction for individuals.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after April 11, 1991.

(2) TREATMENT OF COLLECTIBLES.—The amendments made by subsection (b) shall apply to dispositions on or after April 11, 1991.

(3) COORDINATION WITH PRIOR TRANSITION RULE.—Any amount treated as long-term capital gain by reason of paragraph (3) or (4) of section 1222(h) of the Tax Reform Act of 1986 shall not be taken into account for purposes of applying section 1202 of the Internal Revenue Code of 1986 (as added by this section).

TITLE II—DEPRECIATION RECAPTURE

SEC. 201. RECAPTURE UNDER SECTION 1250 OF TOTAL AMOUNT OF DEPRECIATION.

(a) GENERAL RULE.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) GENERAL RULE.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property, shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) DEPRECIATION ADJUSTMENTS.—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188 (as in effect before its repeal by the Revenue Reconciliation Act of 1990), 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) LIMITATION IN CASE OF INSTALLMENT SALES.—Subsection (i) of section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991)", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(2) Subparagraph (B) of section 1250(d)(6) is needed to read as follows:

"(B) DEPRECIATION ADJUSTMENTS.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain in which section 751(b) applied."

(3) Subsection (d) of section 1250 is amended by striking paragraph (10).

(4) Section 1250 is amended by striking subsections (e) and (f) and by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(5) Paragraph (4) of section 50(c) is amended to read as follows:

"(4) RECAPTURE OF REDUCTION.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(6) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991)".

(7)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) SPECIAL RULE FOR POLLUTION CONTROL FACILITIES.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Paragraph (2) of section 291(d) (as redesignated by subparagraph (C)) is hereby repealed.

(E) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(F) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(8) Subsection (d) of section 1017 is amended to read as follows:

"(d) RECAPTURE OF DEDUCTIONS.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(9) Paragraph (5) of section 7701(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect

on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions made on or after April 11, 1991, in taxable years ending on or after such date.

SCHOOL-BASED MEALS FOR
OLDER INDIVIDUALS AND
INTERGENERATIONAL PRO-
GRAMS ACT OF 1991

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. LLOYD. Mr. Speaker, today, I am introducing the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991. This legislation will expand the congregate meals program authorized under the Older Americans Act [OAA]. The bill addresses the need for nourishing meals for millions of older Americans, and the importance and benefits of providing opportunities for the young and old to interact.

Senator BROCK ADAMS, who is the chairman of the Senate Committee on Labor and Human Resources' Subcommittee on Aging will also introduce this legislation. It is more than appropriate that Senator ADAMS sponsors this particular measure because it is modeled on a program located in Seattle, WA, entitled "SPICE"—School Programs Involving Our City's Elderly. The SPICE Program, which has been in operation for over 16 years, is known as one of the most successful intergenerational programs in the Nation. I would like to take this opportunity to express my appreciation to the program's executive director, Ken Camper, for contributing his expertise and insight throughout the development of this bill.

Mr. Speaker, I have two principle reasons for introducing this legislation. First, the development of ways to provide congregate and home-delivered meals to needy older Americans is essential. There are millions of older individuals who could benefit from nutritious meals, but the meals are simply not available to them. This unfulfilled need is increasing as our population ages and as funding sources are reduced. It is imperative that during this year's reauthorization of the Older Americans Act we act to confront this problem. Second, I believe that intergenerational programs are critical to our future. We must unite the young and the old to enable them to exchange ideas and to assist one another in coping with the demands of our complex society.

Mr. Speaker, my vision is to reduce age segregation and intergenerational tension through the development of innovative programs involving individuals of all ages. My legislation will fund such programs in communities with severe needs. This legislation has been written with the experiences of numerous intergenerational programs in mind. It combines a low-cost lunch for older adults with a variety of educational, health, recreational, and social activities that will benefit students and the elderly.

Mr. Speaker, the bill creates a new subsection under the Nutrition Services Program in the OAA to furnish nutrition providers with grants to establish new congregate meal sites in schools. The grants would be used to develop meals programs that are desperately needed and intergenerational programming that will offer the elderly's unique range of knowledge, talents, and experiences to the students of these schools. It is my hope that this interaction between generations will benefit older individuals by acknowledging that society wants and needs to tap them as a vital resource. This program attempts to promote a sense of self-worth among older individuals and provide them with rewarding activities in roles as tutors, teacher aides, special speakers, playground supervisors, and in many other volunteer roles.

At the same time, I believe that the children and young adults of our Nation will benefit greatly from more interaction with older adults. Our young people face very difficult situations as they advance through the educational system. The intergenerational programs that this bill creates will assist students in schools with the greatest needs as evidenced by dropout rates, substance abuse, poverty, and other factors that indicate an at risk student population. Older Americans can and want to help their communities, including serving as positive role models for students.

School districts will benefit from this program, as well. They need broad-based support in their communities for school initiatives, and the elderly, who will become more familiar with the school systems through this program, can help on such initiatives. Schools and teachers also benefit from the availability of volunteers to provide classroom assistance. This program will also put to good use underutilized space and equipment that school districts often have as a result of decreases in enrollment.

The benefits of the School-Based Meals for Older Individuals and Intergenerational Programs Act are numerous, and I would like to further explain some of the many benefits of this program by inserting in the RECORD a section-by-section description of the bill for my colleagues' consideration. I insert the section-by-section description and a recent study by the National Association of Nutrition and Aging Services Programs [NANASP] regarding the status of nutrition sites in the RECORD.

Mr. Speaker, Senator ADAMS and I have written several advocates for the elderly regarding this piece of legislation. We have solicited comments from them on ways in which we can strengthen intergenerational initiatives. Their responses have been very positive and we anticipate embarking on a united effort to support this measure.

I look forward to working with my distinguished colleague Representative MARTINEZ, who serves as chairman of the Committee on Education and Labor's Subcommittee on Human Resources, which has jurisdiction over the Older Americans Act, and its former chairman, Representative KILDEE.

In conclusion, Mr. Speaker, I ask my colleagues to join me in supporting the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991. This bill provides needy older adults with nourishing meals and creates an environment in which

students and older individuals may learn and profit from the experiences they share.

The material follows:

GRAND RAPIDS, MI.—The National Association of Nutrition and Aging Services Programs (NANASP) recently conducted an informal survey of its membership to obtain a "snapshot" of the status of elderly nutrition services throughout the United States.

The survey asked questions of its member nutrition providers concerning current and anticipated service levels and unmet nutrition needs in their area. Two hundred and seventh-three responses (273) were received from 46 states, plus Guam and Puerto Rico.

"What is revealed through this survey is that nutrition programs across the country are experiencing great difficulty in meeting the growing needs of the senior population," offered John Wren, NANASP First Vice-President and the author of the study. "The numbers of sites closed in FY90 or targeted for closing in FY91 is a red flag that these core services are at risk." (See attached Survey Compilation)

Twenty percent of those projects responding indicated that 133 meal sites had been closed in FY90. Respondents also indicated that 785,911 home-delivered meals had been cut in FY90.

Comments included in survey responses proved revealing. In order to maintain service, programs have "cut staff hours, eliminated all training, reduced educational programming at sites, and served less expensive food items". Clients are called upon to increase donations and only the most frail are put on the home-delivered meals program.

"The results of this membership survey are a call to action and an indication of the need for further study," noted Toby Felcher, President of NANASP. "It appears that the Title IIIC-1 nutrition programs have been severely eroded in their ability to serve the elderly."

For further information, contact NANASP at (800) 999-6262 or (616) 531-9909.

SURVEY COMPILATION

Question #1. Number of sites closed in FY'90: 56 programs (20.5 percent) reported 1 or more sites were closed in FY'90. Low—1 site, High—18 sites. Total Sites Reported Closed—133; 13 programs reported that only local fundraising avoided site reductions; 7 programs reported increases in number of sites/service levels due to fundraising/increase in local support; and 4 programs reported site closed unrelated to funding.

Question #2. Number of sites to be closed in FY'91: 55 programs (20.1 percent) reported 1 or more sites will close in FY'91. Low—1 site, High—11 sites; Total Additional Sites To Be Closed—137; of these 55 programs, 23 also had FY'90 closings, and 32 will experience reductions for the first time; 13 additional programs reported that site closings were "uncertain" or "unknown" at this time; 16 programs responded that although no sites were closed, the number of meals or days/hours of operation will be reduced; and 2 programs reported they need additional funds to maintain services.

Question #3. Number of H.D. meals reduced in FY'90: 65 programs (23.8 percent) reported H.D. meal reductions in FY'90; 785,911 meals were reportedly cut from programs in FY'90, and 8 programs will be able to increase H.D. meals by 165,141, 2 other programs will have unstated increases.

Question #4. Number of H.D. meals to be reduced in FY'91: 77 programs (28.2 percent) report that H.D. meals will be reduced in

FY'91; of these 77 programs, 42 had FY'90 reductions and 35 will experience reductions for the first time; 960,079 meals are planned for reduction in FY'91; 10 programs responded "unknown", "uncertain", or "?"; and 6 programs plan to increase H.D. meals by 60,898.

Question #5. Number of clients on congregate waiting list: 44 programs (16.1 percent) reported waiting lists for congregate nutrition services; 12,623 seniors were reported on waiting lists for services; and 8 programs also reported unserved/underserved areas within their communities.

Question #6. Number of clients on home-delivered waiting list: 129 programs (47.3 percent) reported waiting lists for H.D. meal services; and 18,523 seniors are on waiting lists for H.D. meals.

SECTION-BY-SECTION DESCRIPTION

The legislation amends the Older Americans Act of 1965 to provide nutrition services for older individuals and intergenerational activities in elementary and secondary school facilities.

SECTION 1: SHORT TITLE.

"School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991".

SECTION 2: FINDINGS AND PURPOSES

Findings

1. There are millions of older individuals who could benefit from congregate nutrition services, but meals are unavailable or limited in the areas where they live.
2. There are millions of students who need positive role models, tutors, enhancement of their self-esteem, and assistance with the problems they face in our complex society.
3. Older individuals have a unique range of knowledge, talents, and experiences, which can be of immeasurable value for students as a part of their educational process, and intergenerational programs can provide older persons with the opportunity to contribute their skills and talents in our public schools.
4. Programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process; they can also promote more positive, balanced views of the realities of aging, and reduce negative stereotyping of older individuals.
5. Unused or underused space in school buildings can be shared for intergenerational programs serving older individuals in exchange for good faith commitments to provide volunteers to assist the schools.
6. School districts need broad-based support in their communities for school initiatives, and intergenerational programs can help to enrich that support.

Purposes

1. To create and foster intergenerational opportunities for older individuals and students in the schools where meals and social activities are provided.
2. To assist students in schools with the greatest needs as evidenced by drop-out rates, substance abuse, poverty, and low rates of English proficiency.
3. To provide older individuals with opportunities to improve their self-esteem and make a major contribution to the educational process of our youth by contributing their unique knowledge, talents, and sense of history through roles as tutors, teacher aides, living historians, special speakers, mentors, playground supervisors, lunchroom assistants, and in many other volunteer support roles.

4. To provide the potential for older individuals to have access to school facilities, such as libraries, gymnasiums, theaters, cafeterias, audio-visual resources, and transportation.
5. To create other programs for interaction between students and older individuals, including class discussions, dramatic programs, sharing of school assemblies, mutual classes, field trips, and others.

SECTION 3: AUTHORIZATION OF APPROPRIATIONS

There are funds authorized for nutrition services and intergenerational activities for fiscal years 1992-95 at the following amounts: FY92—\$50,000,000; FY93—\$52,500,000; FY94—\$55,125,000; and FY95—\$57,881,250—to carry out subpart 3 of part C of title III. This reflects increases for inflation of five percent each year.

SECTION 4: SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS

The Older Americans Act of 1965 is amended by adding a new subpart 3 under title III C.

The Commissioner will make grants to states under their state plans for the establishment and operation of projects that:

1. Are carried out in elementary and secondary schools,
2. Provide to older individuals hot meals, each of which assures a minimum of one-third of the dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council:
 - A. While schools are in session;
 - B. During the summer; and
 - C. On the weekdays in the school year when such schools are not in session
3. Provide intergenerational activities in which older individuals and students interact at such schools,
4. Provide social and recreational activities for older individuals at such schools,
5. Develop and maintain skill banks in which information on the skills and preferred activities of older individuals is maintained and available to school officials for providing such individuals with opportunities to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom cashiers, and assistants in such schools,
6. Provide opportunities for older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities (such as cafeterias, libraries, gymnasiums, and auditoriums),
7. Applications will be submitted to the appropriate state units on aging with comments from the appropriate area agency on aging and local educational agency
8. 15 percent of the cost of each project shall be paid in cash or in kind from non-Federal sources,
9. Applicants must demonstrate the need for such projects, how the project will be coordinated with other nutrition services and other services currently provided,
10. Each year priority for grants will be given to entities that carried out a nutrition project under this program the previous year and to entities that carried out a nutrition project under Title 3, Part C of the Older Americans Act,
11. Priority will also be given to applicants that will serve schools with the greatest need as evidenced by such factors as dropout rates, substance abuse, and the number of limited English-speaking children,
12. The Commissioner will report to Congress on the effectiveness of this program,

13. Administrative costs are limited for this program, and
14. Funds may not be transferred from this program.

SECTION 5: EFFECTIVE DATE

This legislation shall take effect on October 1, 1992.

NATIVE AMERICAN TRUST FUND EQUITY ACT OF 1991: JUSTICE DELAYED IS JUSTICE DENIED

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SYNAR. Mr. Speaker, I rise today to introduce the Native American Trust Fund Equity Act of 1991, legislation to require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government. Its enactment is necessary to prevent a grave injustice to many of the 300,000 Native Americans for whom the Bureau of Indian Affairs holds money in trust.

The system of trusteeship and Federal management of Indian funds is deeply rooted in Indian-U.S. history. Treaties are the first and probably most important means by which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust. President Andrew Jackson may have been the first Federal trustee of Indian moneys.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the Interior Department's Bureau of Indian Affairs [BIA] has had the legal authority to invest Indian trust funds. In 1938, the Bureau decided that all IIM funds would be invested and directed by its agency offices to do so. Since 1966, the BIA's branch of investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Historically, the trust fund comprised three types of funds held by the United States: Indian moneys, proceeds of labor [IMPL], including all proceeds of "pasturage and sales of timber, coal or other product of any Indian reservation * * * and not the result of labor of any member of such tribe"; tribal and individual Indian money [IIM] accounts; and tribal trust funds (often containing payments for cession of land). Today, IMPL accounts are being phased out and replaced by tribal and individual accounts pursuant to a 1981 act of Congress. The trust fund now consists chiefly of tribal and individual accounts. These funds are derived from a variety of sources including: judgments awards; oil and gas royalty income; land leases; timber stumpage; and investment income. The largest single source of income to the tribal trust funds consists of judgments from Indian Claims Commission cases.

The various Indian trust fund accounts now total about \$2 billion, containing funds belonging to approximately 300,000 individual native Americans and the 254 separate Indian tribes.

Federal law requires the Secretary of Interior to deposit tribal funds in the U.S. Treasury or manage the funds in trust in the name of the United States. However, the same rules may not apply to funds held in trust for individual native Americans.

In fact, the Comptroller General has determined that the law, 25 U.S.C. 162a, governing the investment of individual Indian moneys (IIM) does not require the payment of interest on IIM accounts and that the BIA is not liable to IIM account holders for loss of interest, even those losses resulting from the Bureau's failure to manage IIM investments properly.

The Comptroller General's Decision, B-243029, dated March 25, 1991, but issued today, has the force of law. Title 31 authorizes the Comptroller General to advise agencies on how they may spend their appropriations (31 U.S.C. 3529) and, to settle claims against the Government. Technically, this decision is an advance determination advising the BIA that it would be in violation of appropriations laws to pay imputed, unearned interest on IIM accounts. In effect, the decision also advises the BIA on how the General Accounting Office would settle claims filed against BIA for imputed interest in IIM accounts.

The Comptroller General's decision was issued in response to a request by Stanley M. Speaks, Acting Deputy Commissioner of Indian Affairs, requesting an advance determination on the propriety of paying IIM account holders interest income that would have accrued but did not, because of the Bureau's management of those accounts.

Mr. Speaker, the Comptroller General's decision could not have come at a worse time for the Indian Trust Fund Program. In fact, it is a major setback in efforts to correct years of mismanagement and abused by the BIA. Neither the BIA, the Congress, nor the IIM account holders are in a position at this time to calculate with any certainty an estimated total of lost interest, or even to identify, for example, those accounts or portions of accounts that have not been invested, over what period of time BIA may have failed to invest particular IIM funds, or when interest may not have been posted properly.

As my colleagues may know, because of inaccurate financial records, poor accounting processes, and inadequate management and controls of Indian trust funds by BIA documented in numerous audit reports by the Department of the Interior's own Office of Inspector General [OIG], Congress has instructed the Bureau to audit and reconcile all Indian accounts to the greatest extent practicable (Public Law 101-512, 104 Statutes 1915 (1990); Public Law 101-121, 103 Statutes 702 (1989)).

As documented by the OIG and others, there have been many instances where the Bureau has, either by neglect or by decisions, failed to invest some IIM moneys, and has deprived accounts holders of the opportunities to earn interest income by failing to record interest income properly or to credit an account holder with interest earned. For example, the BIA has not calculated interest on oil and gas royalties since 1985, although such funds are invested as part of the IIM pool of funds.

For example, from 1982 through 1989, the OIG issued 30 separate audit reports covering various aspects of BIA's management and ac-

counting for trust funds. Here is a summary of the OIG findings:

Individual Indian money accounts [IIM]: (Nine audits from 1983 to 1988) The BIA did not have a centralized managerial operation with responsibility and control over all aspects of the individual Indian money operation. Many BIA agencies did not reconcile their account balances with BIA's control account balances, did not meet their trust responsibilities relating to funds held in supervised accounts, and made significant errors in computing interest payable on IIM's. The agencies had numerous accounting errors and other internal control weaknesses.

Oil and Gas Royalty Payments: (Four audits from 1983 to 1986) Royalties were not distributed to Indian mineral owners in a timely manner. Interest earned on oil and gas revenues deposited in special accounts and U.S. Treasury accounts were not distributed to tribes and individual Indians. Oil and gas collections were not deposited on time.

Judgment Award Funds: (Ten audits in 1988) Improper accounting entries and inadequate internal control resulted in overdisbursements of judgment award funds and negative account balances. Permanent investment accounts were reduced below authorized levels. Funds were not distributed to IIM's.

Leasing and Realty Operations: (Five audits from 1982 to 1984) Agricultural lands remained unleased for extended periods, and leases were not reissued in a timely manner. Fair rental rates and grazing fees were not charged. Delinquent rents were not collected, and interest was not collected on late rental payments. Rents were not properly distributed and grazing fees were not equitably allocated to landowners.

This is only a summary of the extensive management and accounting failures of BIA. Furthermore, these difficulties are symptomatic of the chronic problems of a BIA accounting system that cannot accurately tell tribes of IIM account holders how much money they have or should have.

To make matters worse, when Indian trust funds have been lost, the appropriate account holders have not been reimbursed because the Bureau does not have a formal policy for reimbursing account holders for losses. In fact, the Bureau has repeatedly failed to even notify account holders when such losses have occurred. The loss of trust funds is inconsistent with the Bureau's fiduciary and trust responsibilities. It is apparent that the Bureau must establish a policy that ensures that account holders who sustained losses of principal and interest are able to recoup losses after a reasonable time has elapsed. It is unfair and unreasonable to expect anything less.

Coupled with the manifest BIA management failures, the Comptroller General's Decision is a recipe for serious injustice in Indian country. The result is unfair, but Congress can correct the situation by enacting the Native American Trust Fund Equity Act of 1991.

The Comptroller General's decision turns on the wording of 25 U.S.C. 162a, which authorizes the Secretary to invest IIM moneys, but does not require him to do so. Clearly, the BIA should be required to invest these funds and to make them as productive as possible for

the beneficiaries. The Native American Trust Fund Equity Act of 1991 will do just that. Moreover, it will authorize the Secretary of the Interior to pay lost interest resulting from past BIA failure to properly manage IIM investments.

Stated simply, the Native American Trust Fund Equity Act of 1991 reinforces our moral and ethical obligations to individual Indian moneys account holders. By its enactment, Congress will create the authority for the Secretary of the Interior to honor our fiduciary responsibilities to native Americans; however, any expenditures under such authority will be subject to the annual appropriations process.

Mr. Speaker, clearly, the responsibilities imposed by treaties, statutes and the courts have established a complex set of responsibilities for the BIA. However, accounting for the daily and annual balances of the trust fund has been a continuing point of controversy and rightful criticism of BIA management. There are hundreds of thousands of native Americans who look to the BIA for help, understanding and cooperation. They deserve leadership. They deserve support. They deserve accountability. They deserve a fair shake and honest administration from their government. They deserve the Native American Trust Fund Equity Act of 1991.

I hope my colleagues will join me in cosponsoring this legislation and helping to ensure its rapid enactment.

TRIBUTE TO GAYLE LAVALLEE— WINNER OF CABLE IN THE CLASSROOM EDUCATOR AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a truly remarkable schoolteacher from my home State of New Hampshire. Gayle LaVallee, a 7th grade English and social studies teacher at Merrimack Valley Middle School, was recently selected as one of only 14 persons nationwide to be awarded the 1991 Cable in the Classroom Educator Award.

"Newsroom," a project designed by Continental Cablevision, helped Gayle expose her students to reportorial and interpretive newsgathering. Under her direction, the students used their newfound skills to write and edit a weekly newspaper. The students conducted interviews, wrote editorials—which offered them an opportunity to express their personal opinions on issues, and conducted polls of the student body, thus involving the entire school. Under Gayle's leadership, but with an impressive degree of autonomy, the students succeeded in producing a stellar work of journalism.

Mr. Speaker, an alarming 25 percent of students fail to graduate from high school every year. Our country desperately needs more imaginative teachers like Gayle to create programs which build self-confidence and help students recognize and reach their full potential in academia. With this sort of hands on program students are encouraged not only to remain in school, but to excel. The importance

of Gayle's drive and determination cannot be overemphasized. She has shown us that creativity on the part of our teachers can provide an educational program which is both entertaining and rewarding. It is innovative teachers like Gayle who help to turn impressionable young teenagers into conscientious students.

Mr. Speaker, I ask my colleagues to join me in congratulating Gayle LaVallee on receiving this most deserved award. It is refreshing that amidst the crisis in education our great country faces there are people like Gayle, who so effectively demonstrate that dedicated people can make a crucial difference in the lives of our Nation's children.

TRIBUTE TO BUSINESS/EDUCATION SERVICES AND TRAINING PROGRAM

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HERTEL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Business/Education Services and Training [BEST] Program, as well as the Drop Everything and Read [DEAR] Program of Madison Heights, MI.

The Best Program is a development of the Madison adult education consortium which is designed to be comprehensive hands-on student training and education project with the help of credit unions in the Metropolitan Detroit area. The early progress of the program is a positive indication of its future success in this area, as well as its capacity to expand into other fields of industry.

In addition, the people of Madison Heights are earning the title of the "Community That Reads" through an innovative reading program designed to involve community leaders and businesses in the task of teaching our children to read. To that end, Thursday, April 18, 1991, has been declared Community Reading Day wherein celebrity readers and volunteers will visit classrooms in the city of Madison Heights from 1 p.m. to 1:30 p.m. All classrooms in the city of Madison Heights will drop everything and read. The city has gone even further to resolve that all local businesses and government offices be encouraged to drop everything and read during this half hour period.

Many people speak of helping the youth in their communities gain valuable on-the-job skills and experience and even more speak of fighting illiteracy, but the education professionals and business leaders of Madison Heights are doing it. My dear colleagues, please join me in commending and congratulating these citizens of Madison Heights for their valiant and worthwhile endeavors.

A TRIBUTE TO ANDY WINDERS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ATKINS. Mr. Speaker, there have been many great basketball players to take to the parquet floors of Boston Garden, from Cousy and Russell to Bird and Parish. Recently, however, a player more inspiring than any Celtic great that graced that famous floor has come to my attention. That player was Andy Winders.

Andy is a senior at Action-Boxboro Regional High School, and captain of their boys basketball team. As their captain, Andy led the team to the division 2 State Championship game. Unfortunately, Action-Boxboro's remarkable season did not end on a positive note. They lost a 76-74 heart breaker to the opposing team from Sharon.

What was impressive about Action-Boxboro, and in particular, Andy Winders, was not the way they played the game itself, it was not the 35 points Andy scored, it was not the fact that 25 of them came in the second half and it was not the fact that he made three pointer after three pointer in the waning minutes of play. It was the fact that he did all of this while suffering from Cystic Fibrosis.

The disease and the accompanying nagging cough have afflicted Andy since birth, but he has not let this adversity hinder him in any way—on or off the court. He is president of Action-Boxboro's chapter of the National Honor Society and is highly respected by his peers, teachers, and coaches.

Mr. Speaker, I hope that the example that has been set by Andy Winders not only reminds us how fortunate many of us are, but drives us beyond the fetters of our limitations.

HARRIET TAYLOR UPTON NATIONAL HISTORIC SITE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. TRAFICANT. Mr. Speaker, I introduced legislation yesterday that would designate the former residence of famous suffragette Harriet Taylor Upton of Warren, OH, a national historical site.

Harriet Taylor Upton dedicated her life to the cause of women's rights. In 1921, she served as a representative from Ohio on the national executive committee of the State Suffrage Association. She also served as an honorary vice president of the association that same year. As treasurer of the National American Woman Suffrage Association, Harriet Taylor Upton transformed the association into a debt-free, profitable organization.

In addition to her work in the suffrage movement, Mrs. Upton was a major figure in other spheres of national politics. She served as vice chairperson of the executive committee of the Republican National Committee—the first woman to ever hold that position from either party. She was also instrumental in opening the U.S. Diplomatic Corps to women.

My legislation would give the U.S. Department of the Interior the authority to acquire the property with either government money, donated funds or by exchange. The former residence would be designated as the Harriet Taylor Upton National Historic Site and would be administered by the National Park Service.

I encourage my colleagues to cosponsor this bill. Harriet Taylor Upton's residence is a previous historic landmark. It should be preserved and maintained to educate future generations of Americans and as a lasting tribute to this great American.

TRIBUTE TO FORMER DODGER GREAT JOHN ROSEBORO

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to a great Californian, John Roseboro. Those of us who are fans of the national pastime vividly recall the outstanding job that John Roseboro did as catcher for the Los Angeles Dodgers. During the sixties, John caught more than 100 games for 7 consecutive years and every inning of every game in the first 4 Los Angeles World Series—1959, 1963, 1965, and 1966.

After an illustrious career as a player, John Roseboro used his leadership qualities in the world of business. In the midseventies he started a public relations company, Fouch Roseboro. Not surprisingly, the company was and continues to be a successful enterprise.

Mr. Speaker, Roseboro's success in the business world didn't provide the personal happiness he derived from playing baseball. He was once quoted as saying "the only thing that I have really enjoyed in my life is baseball. The rest you do to exist." It's crystal clear that No. 8 should be utilizing his skills as a big league manager. In 1987, he began the journey toward his ultimate goal by signing on as a minor league catching instructor. Since that time he has served as a roving instructor to minor leaguers in the Dodger organization. His most recent assignment is manager of the Licei Tigers in the Dominican Republic Winter League. Apparently, John Roseboro has the golden touch because the Licei Tigers won the Winter League Championship for 1990. This is a well deserved honor for John Roseboro and his players.

As the major league baseball season begins and throngs fill the Nation's ball parks, serious baseball fans are waiting anxiously for the day that John Roseboro trots out for the pregame meeting with the umpires prior to a team that he manages taking the field. Mr. Speaker, I hope we don't have to wait much longer for that moment. John Roseboro deserves it and so does baseball.

**RETIREMENT: JOHN CROWLEY,
PASADENA BOARD OF DIRECTORS**

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ROYBAL. Mr. Speaker, this month, the city of Pasadena will lose one of its most distinguished public officials. John Crowley has served the citizens of southern California in a number of capacities for over 40 years, and on behalf of all of my constituents, I would like to pay tribute to him on the occasion of his retirement from the Pasadena Board of Directors.

Since 1978, John Crowley has served on the Pasadena Board of Directors, highlighted by a term as mayor from 1986 to 1988. During his tenure, he was instrumental in developing a long-term financial plan for the city as well as helping Pasadena meet its growing infrastructure needs.

Director Crowley began his career in 1942 as a consultant to the public administration service in addition to serving as the southern California manager of this League of California Cities. In 1983, he became the city manager of Monterey Park, CA. After serving the city of Monterey for 8 years, John took a break from public service to concentrate on a career in real estate development and management. In 1978, he returned to public life when he was elected to the Pasadena Board of Directors, representing the city's first district, a position he will relinquish this month.

In addition to his impressive public record, John has been active in a number of other areas. He is a past president of the Southern California Chapter of the American Society for Public Administration, a member of the National Civic League Board of Directors, and member of the Burbank-Glendale-Pasadena Airport Authority. In his community he has been the chairman of a number of organizations including the Pasadena Area Liberal Arts Center, the city of Pasadena Cultural Heritage Commission, and the Pacificulture Foundation and Asia Museum. And, he is currently a member of the board of managers of his alma mater, Swarthmore College.

Mr. Speaker, it would take all day to read a list of all of John's accomplishments. An even longer list might be the number of southern Californians who have benefited from his dedicated service. He will be missed on the Pasadena Board of Directors, but there is no doubt that he will remain an active and valued member of the community. We wish him the best in his retirement.

INTRODUCTION OF A BILL TO CORRECT THE TARIFF INVERSION ON CERTAIN IRON AND STEEL PIPE AND TUBE PRODUCTS

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RUSSO. Mr. Speaker, I rise today to introduce a bill to amend the Harmonized Tariff

Schedules of the United States to correct the tariff rate inversion on carbon and stainless steel pipe and tube products. A general policy behind the tariff schedules of the United States and those of our trading partners is to effect higher tariffs on higher value-added products. However, the Harmonized Tariff Schedule of the United States applies lower tariffs on higher value-added products, steel pipes and tubes, than it applies to the input products, steel sheets and plates.

I, and several of my colleagues on the Ways and Means Committee, have sought a reasonable remedy for this unintended and unfair tariff inversion since the issue was first brought to my attention in 1985. We have communicated our concern about this issue to the U.S. Trade Representative on many occasions. The U.S. Trade Representative has acknowledged that this tariff inversion has been harmful to U.S. producers of pipe and tube products. Furthermore, it is agreed that tariff inversions, in general, are contrary to national and international tariff policies. However, the U.S. Trade Representative has opposed a legislative approach to this problem in favor of international negotiations under the auspices of the Uruguay round.

It was first suggested to the Trade Subcommittee on July 7, 1988 that the U.S. Trade Representative would seek to correct the tariff inversion between welded steel pipes and tubes and flat-rolled steel through the GATT tariff negotiations. Former U.S. Trade Representative Clayton Yeutter indicated then that this tariff inversion was a high priority for the United States at the Uruguay round trade talks. On September 22, 1988, the Trade Subcommittee held a hearing to consider my bill to correct the tariff inversion. At that hearing former U.S. Trade Representative General Counsel Judith Bello assured members of the subcommittee that the United States would seek to correct the inversion through the GATT. U.S. Trade Representative Carla Hills reiterated the administration's intention to address this issue in the GATT multilateral negotiations in correspondence to me dated May 4, 1989.

I understand that the United States has proposed in the multilateral tariff negotiations the complete elimination of tariffs for all steel products shipped between GATT signatories. I understand further that there was a good deal of support for this proposal among our GATT trading partners, although no final agreement on tariff issues was reached when GATT negotiations fell apart last December due to agricultural issues.

The U.S. pipe and tube industry together with the domestic steel industry supports the U.S. Trade Representative's efforts to eliminate steel duties here and abroad. If the U.S. Trade Representative is successful in these negotiations, the tariff inversion between pipe and tube and flat-rolled steel would be deleted, and steel trade, in general, would be fairer. However, in the absence of a multilateral agreement addressing steel tariffs and the elimination of this inverted tariff, I will aggressively pursue a legislative remedy in the miscellaneous tariff bill process.

To provide some background on how this problem arose, prior to 1960, the duty on pipes and tubes was more than twice the duty

on the input product, steel sheets. In 1960, however, the duty for sheet was changed to an ad valorem rate of 10 percent, or about \$5 per ton at prevailing prices, while the duty on pipe remained at the specific rate of 30 cents a pound, or about \$6 per ton. Rampant inflation in the 1970's caused steel prices to more than quadruple. By 1975, duties on sheet and plate were \$20 per ton and those on pipe remained at \$6 per ton. Through an oversight, this inversion caused by inflation was not corrected at the time that pipe and tube products were converted to the ad valorem system in the 1979 GATT round.

The legislation I am introducing today would correct this undesirable inversion by increasing the tariffs on most welded carbon steel pipes and tubes from their present range of 0.5 percent to 1.9 percent to a range of 4.9 percent to 6.5 percent; stainless steel pipes and tubes would be increased from the present range of 4.9 percent to 5 percent up to 9.5 percent to 10.1 percent. This increase would equalize the duties between sheet and pipe in a way that should have been done when the TSUS was converted to the ad valorem system.

The tariff inversion contributed to the severe decline in the domestic pipe and tube industry through the late seventies and the early eighties. The inversion encouraged a huge influx of imports of pipe and tube products to the United States. Foreign producers shifted export production from sheets to pipe to avoid the higher duty. In the process, U.S. labor lost as many as 15,000 jobs in the pipe and a higher U.S. trade deficit. Imported steel pipes and tubes rose from 26.1 percent of the market in 1979 to a high of nearly 60 percent in 1984. Import penetration in the pipe market was 36.6 percent in 1990 compared to only 17.6 percent for all steel imports.

This bill has the full support of the carbon and stainless pipe and tube industries, as well as the American Iron and Steel Institute and the United Steelworkers Union.

This legislation is completely consistent with our tariff policy and with our obligations under the GATT. The United States is required to compensate those trading partners who request compensation for the extra duties this bill would impose. This bill provides the administration with negotiating authority in the event that a claim for compensation is made. I have full faith in the ability of the U.S. Trade Representative to be able to negotiate any compensation claims in a way that will spread out the effects of such compensation over many products and industries so as to make its effect benign.

The existing tariff inversion between carbon and stainless pipe and tube products and the flat-rolled input products is placing an unfair burden on the U.S. pipe and tube industry. This inversion was not intended and is undesirable. It conflicts with our general tariff policy of having higher tariffs on higher valued products, a policy which our trading partners share. I once again urge my colleagues to support my efforts to alleviate the harm caused by this tariff rate inversion.

SUPPORT FOR REGIONAL INITIATIVE TO BRING PEACE TO EL SALVADOR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for the regional initiative of the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama to bring peace to El Salvador. On December 17, 1990 in Puntarenas, Costa Rica, the Presidents of these six Central American nations signed the Declaration of El Salvador.

The Declaration of El Salvador recognizes the efforts of the Salvadoran President Alfredo Cristiani, since his inauguration on July 1, 1989, to end the Salvadoran armed conflict through dialog with the FMLN and to attain full assimilation of this armed rebel group into peaceful and democratic life of the country. This statement of support for the Government of President Cristiani sends an important message to the FMLN and demonstrates that these presidents are committed to peace and political stability in the region.

Mr. Speaker, the Salvadoran conflict frustrates political and economic development in Central America. The United States Government must support all efforts to bring about a cease-fire in El Salvador, including regional plans such as the Declaration of El Salvador and multilateral initiatives such as the negotiations taking place under the auspices of the United Nations. The end of the armed conflict in El Salvador will mark the beginning of a new era not only in El Salvador, but in all Central America.

CONGRATULATIONS TO THE WOONSOCKET NORTH STARS HOCKEY TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to extend my heartiest congratulations to the Woonsocket North Stars hockey team, double winners in the recent New England Hockey Championships. The North Stars' pee wee "A" team took the honors in the New England level I tournament held in Augusta, ME, while the Squirt "A" team was victorious in the Yankee Conference level II competition in Cranston, RI. I sincerely congratulate and applaud the efforts of all of the participating athletes, their coaches, and their parents.

In addition to the glory and honor that accompanies this achievement, the North Stars pee wee team will have the privilege of representing all of New England in the national championships. They will be one of eight regional champions from across this country vying for the national title in Detroit, MI. I wish them all the best of luck as they strive for the title.

This great accomplishment is significant, not only for the North Stars, but for all youth alike.

This team has proven that hard work, dedication, and true sportsmanship can reap many rewards.

TRIBUTE TO ALDO RAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MILLER of California. Mr. Speaker, I ask my colleagues to join me in remembering a distinguished constituent of mine, the late Aldo Ray.

Aldo Ray was raised in Crockett, CA, where his father worked in the C&H Sugar Refinery. He served as a Navy frogman in World War II and was attending school on the GI bill at University of California at Berkeley when he was simultaneously elected constable of Crockett, and won the part in a football movie, "Saturday's Hero," starring John Derek and Donna Reed.

After serving as constable for a year, Mr. Ray headed for Hollywood. During his career, he played in over 60 movies, starring with actors such as Humphrey Bogart, Spencer Tracy, Jane Wyman, Ann Bancroft, and John Wayne.

He returned to live in Crockett in 1983, where he was welcomed by fellow townspeople who still regard him as "one of the guys." Last month, Mr. Ray lost a 2-year battle with cancer. He will be remembered fondly by friends and family as one whose success never caused him to lose his identity or forget his hometown.

Mr. Speaker, I know that my colleagues join me in saluting Aldo Ray, a man who touched many lives through his community involvement and films.

THE 13TH ANNUAL QUEENS HALF MARATHON

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHEUER. Mr. Speaker, this Sunday, on April 14, 1991, the College Point Road Runners Track Club will sponsor the 13th Annual Queens Half Marathon.

Over 1,500 runners will participate in the 13.1-mile race, which passes through New York City's Borough of Queens in the Malba and College Point communities. Runners come from all over the Metropolitan area to participate in this festive event.

The day also includes, for the first time, the Annual Skaggs Walsh 5K Run. This 5-kilometer run is for endurance runners who have not yet graduated to the longer half-marathon, though I am sure it will be just as exciting an event. This new event is named for the Skaggs Walsh Oil Co., who over the years have supported the Queens Half Marathon.

Mr. Speaker, this year's event is an extra special one, because it typifies the giving spirit of the people of Queens. It is being dedicated to Joseph Obremski, who has been paralyzed

for the last 7 years. Funds raised at the event will go toward the cost of a spinal operation that may allow Mr. Obremski to walk again. Queens Surface Transit has already pledged a very generous \$20,000 toward the day's goal of \$50,000.

Mr. Speaker, it will be my pleasure to join my friends and neighbors at these races this Sunday in McNeil Park, which were created out of a sense of community spirit, and embody the spirit of caring and involvement that is a real part of Queens history. Events like this make me proud to represent such an active and giving community.

Mr. Speaker, it is also appropriate at this time to thank the organizers, the College Point Road Runners Track Club, and the sponsors, especially Skaggs Walsh Fuel Oil Co.

Mr. Speaker, in conclusion, I would like to say to Mr. Joseph Obremski that he is in the thoughts and prayers of everyone connected with the race.

HONORING A LONGTIME PUBLIC SERVANT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HEFLEY. Mr. Speaker, on May 1, 1991, Mr. Pete Hoke will retire as president of Goodwill Industries in Colorado Springs. The agency has become one of the top Goodwill's in the Nation under Pete's leadership and after 17 years of dedicated service, he will be missed.

Pete Hoke will turn 76 in August and began his career with Goodwill in 1969 after retiring as a colonel from the Air Force. He has served as Goodwill's chief executive officer since September 1974.

Under Pete's leadership, the Colorado Springs Goodwill has grown from a \$1 million to a \$5.5 million agency and has consistently been among the most successful Goodwills in terms of innovative rehabilitation programs. It also enjoys one of the highest levels of per capita community support for retail sales among the 179 Goodwills in North America.

In the 17 years of Pete's presidency, the agency has held the highest national accreditation given by the Commission on Accreditation of Rehabilitation Facilities and has won over 15 national awards, including the prestigious J.M. Foundation Award in 1987 for providing the best program in the Nation for work services for severely disabled people. In 1989, the Colorado Springs Goodwill ranked "Number One" in the State of Colorado's Employment First Program, finding jobs for 1,375 local food stamp recipients. This past December, the El Pomar Foundation named Goodwill the recipient of the R.J. Montgomery Award for Excellence in Human Services.

Pete Hoke has been the recipient of several prestigious awards during his Goodwill career. He is one of only a handful of Goodwill executive directors to have won all three executive awards from Goodwill Industries of America, Inc. He won the Kenneth K. King Award for management excellence in 1979; in 1984, won

the P.J. Trevethan Award for making an outstanding contribution to the training of Goodwill personnel; and in 1985, won the Gerald Clore International Award for his involvement in Goodwill's international activities.

Among his duties with Goodwill Industries, he has served as secretary and chairman of the conference of executives, and on the national GIA board. He has been a member of the Goodwill Industries International Council and Executive Committee since 1986.

Pete Hoke provided the leadership to make the Colorado Springs Goodwill one of the best in the country. His leadership is one that any Goodwill executive should be proud to emulate. I thank Pete for his wonderful service to our community and wish him all the best with this retirement.

TRIBUTE TO MARLENE LYNCH FORD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to pay tribute to a distinguished member of the New Jersey State Legislature, Assemblywoman Marlene Lynch Ford.

Assemblywoman Ford will be honored on Wednesday, April 17, by the Ocean County Council, Inc., of the Boy Scouts of America. The occasion for the tribute to the assemblywoman is the 13th Annual James A. Underwood Memorial Good Scout Award Luncheon of the Running Water District to benefit the Ocean County Council of the Boy Scouts.

Marlene Lynch Ford was elected to the assembly in 1989, having previously represented her Ocean County, NJ, Legislative District in the State capitol from 1984 through 1986. A native of Arizona, Ms. Ford grew up in Belmar, NJ, where she attended St. Rose High School. After graduating cum laude from Georgian Court College in Lakewood, NJ, she received her law degree from Seton Hall University and was admitted to the New Jersey Bar in 1979. After practicing law in New Jersey for a number of years and participating in community organizations, she was elected to the State assembly in 1983 at the age of 29—the youngest woman ever elected to legislature.

Ms. Ford is perhaps best known as the author of the "Ford Act," the Property Tax Relief Act of 1985, the largest tax cut for homeowners and tenants ever in New Jersey's history. In her relatively brief tenure, she has sponsored 14 other bills that were signed into law. She also created and chaired the Special Investigative Committee to Study Toxic Waste Dumping at Military Installations and the Special Committee on Missing Children. She currently serves as the chairwoman of the Assembly Judiciary, Law and Public Safety Committee, and is a member of the Joint Appropriations Committee.

It was my privilege to work with Marlene Lynch-Ford when we served together in the State legislature, and I still work closely with her on a variety of issues, including the environment, the economic development of the

Jersey Shore and a number of community initiatives. Day in and day out, she provides her constituents, and all the residents of the State of New Jersey, with intelligent, caring and responsive leadership. Therefore, Mr. Speaker, I am proud to have this opportunity to pay tribute to this fine public official in the pages of the CONGRESSIONAL RECORD.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE AMERICAN FINANCIAL SERVICES ASSOCIATION

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GRAY. Mr. Speaker, I am pleased to introduce a resolution commemorating the 75th anniversary of the founding of the American Financial Services Association. I am especially pleased to recognize that the institution that has become today's AFSA was formed on April 19, 1916, in my home city of Philadelphia, PA.

There, 41 representatives met to establish a national association to encourage States to enact the Uniform Small Loan Act. The activities of this small group were the roots of the modern consumer credit industry, and enabled millions of American consumers to finance automobiles, household goods, and appliances.

I note that from its inception, when it was still called the American Association of Small Loan Brokers, the organization's focus on the average American was clear. In July, 1916, for example, the association's first official publication, the Loan Gazette, observed that, "The loan business is to the working people, what the bank is to the business man."

It is interesting to trace the growth of consumer credit in this country. The 1920's represented the decade that the automobile put America on wheels. By 1925, over three quarters of all cars were financed on an installment plan, with nearly 20 million cars on the road. Besides auto-finance, finance companies provided cash loans and sales finance for appliances and household goods to industrial workers and wage earners. In fact, it was not until 1928 that a commercial bank finally opened the first personal lending department.

Today, AFSA Members' products may differ—from new car loans, home equity loans, retail sales financing, credit cards, mobile home loans, and personal loans; and the customers may vary—but the focus on the consumer borrower rather than the corporate borrower has remained constant. The more than \$190 billion in credit outstanding held by AFSA members is a tribute to this focus.

Mr. Speaker, I congratulate the association on its 75 years of providing services to the industry, to customers, and to the community.

THE NEED FOR HISPANIC PHYSICIANS IN THE UNITED STATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. TOWNS. Mr. Speaker, I rise today to address a serious problem to America, a lack of Hispanic physicians.

I have recently become aware of the large number of physicians who have fled from Central and South American countries. However, these individuals are unlicensed to practice medicine in the United States, due to their lack of English skills.

This is a growing concern due to the growing number of Spanish speaking residents that come into the country every day. The problem is that the amount of doctors has yet to keep up with the population increase. For example, 40 percent of the people living in southern California are Latino, and of this same population there are well over a thousand unlicensed physicians. Presently, these physicians are working minimum wage jobs in order to sustain themselves until they are able to work in the field of medicine.

The lack of doctors has an adverse effect on the health care needs of the Hispanic community. In fact, most of these individuals are living without adequate health care. If this is allowed to continue, the United States will incur a major problem of illness in Spanish speaking communities.

Therefore it is extremely important that these physicians are allowed to get the instruction that is necessary to begin practicing medicine. Programs have been organized to help these individuals master the English language in order to get their licenses in America. For example, these programs prepare them for the Foreign Medical Graduate Examination in Medical Sciences. This test includes English proficiency, basic sciences, and clinical competency. This is a long process that requires much hard work and dedication, but it does lead to positive consequences in the end.

If these physicians become licensed, many Hispanics will greatly benefit. More of these individuals will be apt to get proper health care from someone who is a part of their community.

In the same manner, this will give these physicians an opportunity to give back to their own community and those that have supported them so much before. This is a chance to bring hope to people that have come to this country in search of better lives and let them realize that the United States is a place where people can have the prosperous futures that they so desire.

THE RETIREMENT OF WORLD
BANK PRESIDENT BARBER CON-
ABLE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RINALDO. Mr. Speaker, this is the second time that I have had the honor to thank Barber Conable for his service to the United States. The first time, in 1984, was on his retirement from the House of Representatives after serving the people of western New York for 20 years.

When I came to the House in 1973, Barber Conable was already well-known for his thoughtful consideration of all sides of an issue before deciding what was right for the country. As a freshman Congressman, I soon learned to rely on his advice and leadership.

Many of us who visited his office left with a sense that Barber understood the roots of this country and had a clear idea of its future. This sense of history was reinforced by his antique desk with dozens of cubbyholes, and by his collections of Indian relics and prints of the Capitol.

As the ranking member of the Ways and Means Committee, Barber Conable left a lasting imprint on our tax laws and a legacy of public service that any person would be very proud of. Congress joined the people of Rochester in recognizing his value, and at his retirement from the House; Barber Conable is known to this day as one of the great legislators.

Then in 1986 at the age of 63, Barber agreed to come back to public service as the President of the World Bank. When he agreed to take the post, many of his friends warned that the World Bank was a huge, unresponsive bureaucracy with 6,500 employees scattered through 18 buildings in the Washington area. Managing the World Bank in an uncertain economy was said to be similar to maneuvering an aircraft carrier through an obstacle course.

However, he did it, and both the world economy and the World Bank are better for Barber Conable's service. Capital in the bank has grown from \$90 billion to \$174 billion. The bank, which once dealt solely with financing capital improvement projects such as dams and irrigation systems, is now much more active in projects to directly reduce poverty and to improve living standards. In the process, the World Bank is also much more sensitive to preserving the environment.

In addition, Barber warned early on that many less developed nations were spending an inappropriate amount on weapons, and that this could destabilize entire regions of the world. As usual, he was right.

Once again, I would like to take this opportunity to commend Barber Conable for his service to this country and to the world. Both are better places because of his efforts, insight, and leadership.

EXTENSIONS OF REMARKS

A TRIBUTE TO DARRELL COOK

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues a success story—a real life triumph for an individual, a private manufacturing firm, and the local, State, and Federal governments which cooperated to make a profound difference in life of one of its most vulnerable citizens.

Mr. Darrell Cook is a resident of Villa Park, IL. As a laborer with few skills, he moved from one menial job to another before landing himself in trouble with the law. Recognizing Darrell's potential to be a productive member of our community, a DuPage County, IL, probation officer referred him to the federally sponsored job training program in the county.

The program, financed under the Job Training Partnership Act [JTPA], successfully assessed Darrell's skills and vocational interests. He was soon enrolled in a 5-month computer service technician program where he received instruction in soldering, microprocessing, welding, and computer repair. Once completed, DuPage County officials placed Darrell in a job as a production welder with the Krack Corp. of Addison, IL. His average wage is \$9.38 an hour, and as a member of the Metal Processors Union he now receives full medical benefits.

Recently Darrell was among six persons nationally to be honored by the National Association of Counties for his efforts. He certainly deserves to be recognized for his good work, as do the many dedicated people in the DuPage County Department of Probation and Court Services, the county's private industry council job training office, and Krack Corp. for developing and participating in a program that offers people a hand up, and not simply a handout.

I know my colleagues join with me in extending heartfelt congratulations to Darrell and all those who participated in this most successful enterprise.

A TRIBUTE TO MR. ROY THIGPEN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's Chamber," to speak in honor of a fellow Mississippian, Mr. Roy Thigpen.

Roy will retire on June 30, 1991, with 30 years of public service experience, 22 years with the executive branch of Mississippi State Government. His experience includes working with officials at the local, State, and national levels in the administration of a variety of programs.

Roy is a native Mississippian. His educational background includes B.S. and M.Ed. degrees, with further study at several universities in and out of Mississippi.

After working in the teaching field for several years, Roy joined the Mississippi Gov-

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ernor's Highway Program staff in 1969, and held positions ranging from field representative to director. Under Roy's guidance, this program underwent transition through merger and reorganization, becoming the department of criminal justice planning.

Roy was interim executive director of the Governor's Office of Federal State programs in 1987, and resumed directorship of the department of criminal justice planning in 1988, leading the agency to its eventual emergence as the division of public safety planning within the State department of public safety.

Roy has also served as chairman of the Mississippi Alcohol and Drug Advisory Council, and in 1984 as vice chairman of the National Association of Governor's Highway Safety Representatives. He was selected as an honorary member of Pi Alpha Alpha, the Public Administration Honorary Society. Roy has also served on various other councils and boards on local, State, and national levels, and is a past president of the Mississippi Chapter, American Society for Public Administration.

I commend Roy Thigpen on his dedication to public service and ask that you join with me in paying tribute to him on the occasion of his retirement.

TRIBUTE TO RAJIN PURI AND
MICHAEL STEIN

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. INHOFE. Mr. Speaker, I would like to draw the attention of my honorable colleagues to the fact that today, two chemical engineers from the Amoco research facility in Tulsa, OK will be honored as distinguished inventors of 1991.

They are Rajin Puri and Michael Stein. They have invented a new, more efficient, and more economical method of obtaining natural methane gas from coal deposits than present technology.

The distinguished inventor honor is conferred by the Intellectual Property Owners Foundation, the educational arm of the Intellectual Property Owners, Inc. [IPO], a non-profit organization of inventors, educators, and others working on behalf of people who hold patents, copyrights, and trademarks.

The inventors will be introduced tomorrow morning at a news conference at the National Press Club and they will receive the award tomorrow evening at a reception in the Cannon Caucus Room.

I congratulate these gentlemen and am proud to call them my constituents. I agree with IPO president, Donald Banner who called them "front line fighters in the battle to keep American innovation number one in the world." These inventors represent the best in the great American tradition of invention. They had the vision to see a need, the ingenuity to devise a solution, and the patience and resolve to refine those solutions until practical and workable.

April 11, 1991

My congratulations to my fellow Oklahomans and the IPO for encouraging and recognizing American ingenuity and know-how.

CONGRESSMAN KILDEE PAYS
SPECIAL TRIBUTE TO JOHN LUKES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a retirement ceremony that will be held Sunday, April 14, in Flint, MI, honoring Mr. John Lukes. Mr. Lukes is retiring after 44 years of dedicated and extraordinary service to the United Auto Workers Union and the hard-working members of UAW Local 599.

Shortly after Mr. Lukes was first employed by Buick Motor Division in 1942 he was called to serve his country in World War II. He spent 2½ years in the Army before returning to Buick in 1945. After taking an educational leave from General Motors he graduated from Michigan State University in 1949. With his military service and education completed he returned to work at Buick. Mr. Lukes has truly been a dedicated union activist working diligently for the rank and file. He has represented the membership in a number of key positions within the union. Mr. Lukes has served as alternate committeeman, editor of the "Headlight" newspaper for 7 years, and recording secretary of Local 599 for 25 years. Mr. Lukes has also served on the Flint Housing Commission and as president of the Security Employees Federal Credit Union for 13 years. For his efforts, Mr. Lukes received the Walter P. Reuther Distinguished Service Award.

In many ways, Mr. Lukes exemplifies the ideals that the unions have always championed. We pay tribute to him today for his deep commitment to improving and protecting the human dignity of his fellow workers. Undoubtedly, his countless years of leadership and involvement in Local 599 have contributed significantly to making our community a better place in which to work and live. His dedication to the labor movement and spirit of solidarity has been a personal inspiration to me. He has been a very important part of my personal formation. We in Flint are indeed fortunate to have such a fine union activist living in our midst.

Mr. Speaker, I would like to thank John for a lifetime of hard work which has helped to make UAW Local 599 one of the finest labor organizations in the country. The members of Local 599, his loving wife Katy, and his children are extremely proud of John. I urge my colleagues to join me in my wish to John for a most enjoyable retirement.

EXTENSIONS OF REMARKS

ENERGY POLICY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today to ask the Congress: In terms of energy policy, are we better off now than we were just 11 years ago?

Under the Presidency of Jimmy Carter, we established the most effective energy policy that this Nation has ever had. For all of President Carter's faults, I never hear anyone criticize his record on energy issues, because President Carter foresaw the events that have taken place in the Persian Gulf, events which have cost us American lives.

President Carter's energy policy called for less dependence on foreign oil, and less use of oil in general. Many scoffed at these ideas, but if we had followed President Carter's policy and continued to wean ourselves of our dependence on foreign oil, we may not have found ourselves fighting a war in the Persian Gulf.

Our addiction to oil got us into trouble long before we had to defend Saudi Arabia and liberate Kuwait. These aforementioned nations have had us at their mercy as they try to provide us with enough oil to quench our insatiable appetite for this product. In exchange for all of the money we gave them, they were kind enough to do such things as provide us with insufferably long lines at the gas pumps in both 1973 and 1979. We were at the whim of the sheiks, but President Carter tried to change that.

When Ronald Reagan took office, he reversed President Carter's policy. Our reliance on foreign oil has gone from just 40 percent in 1980 to 60 percent today. Our addiction costs us financially and in human lives lost during the Persian Gulf war.

We have just concluded that war—at least in its first phase. President Bush rallied the Nation in support of the coalition victory over Iraq, and his popularity is at an all-time high. It is the perfect time for the President to rally this Nation behind an energy policy that would have prevented us from having to fight a war in the Persian Gulf in the first place. But instead, what has the President done? Unbelievably, he has called for greater dependence on foreign oil. His plan is so awful that not only have my fellow Democrats rejected it, but the House Republicans have seen the Bush energy plan, turned it down, and came out with a plan of their own. It is difficult to understand the rationale for the administration's incredibly backwards policy.

It has been just over 10 years since President Carter tried to steer us away from our dependence on foreign oil. Since that time, as our policy has gone backward, our addiction has only become more appalling, and more costly. We have just fought one war because of it; will we have to fight another?

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HONORING SGT. GEOFFREY
PREUDHOMME—16TH AIR FORCE
NONCOMMISSIONED OFFICER OF
THE YEAR

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. YOUNG of Florida. Mr. Speaker, throughout our Nation, America's Armed Forces are returning home to the cheers and parades of a country grateful for the pride and professionalism with which they freed a country under siege.

It is an honor for me to let you know that one very special serviceman, S. Sgt. Geoffrey U.L. Preudhomme of St. Petersburg, FL, has uniquely distinguished himself through his service to our great Nation. In recognition of this outstanding airman, the Air Force has selected Sergeant Preudhomme as its 16th Air Force Noncommissioned Officer of the Year.

The Air Force Enlisted Recognition Program identifies outstanding airmen with the hope that their qualities of dedication and leadership will be emulated by others throughout the service. Sergeant Preudhomme, this year's honoree, currently serves as a chapel assistant in the 726th Air Base Group at Iraklion Air Station in Crete, Greece.

As a member of the Appropriations Subcommittee on Defense, I have many opportunities to visit with our troops here at home and abroad, and I have long known what the world saw throughout Operation Desert Storm: America's troops are the best trained, most dedicated, and professional fighting force anywhere in the world. Sergeant Preudhomme is symbolic of that pride and devotion which has rekindled a swell of patriotism in the American people.

Mr. Speaker, my thanks and best wishes go out to Sergeant Preudhomme and his entire family for this great and well-deserved honor.

WORLD WAR II U.S. CADET NURSE
CIVIL SERVICE FAIRNESS ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SLATTERY. Mr. Speaker, during the 99th Congress, the World War II Cadet Nurse Civil Service Credit Act (Public Law 99-638) was signed into law. This act, which I authored, allowed women who were employed by the Government and who had served in the U.S. Cadet Nurse Corps during World War II, to credit the time they served in the Cadet Nurse Corps toward their civil service retirement.

Unfortunately, some cadet nurses were unfairly excluded from benefiting under this law.

Today, I am introducing legislation which allows those women who retired from service before the World War II cadet nurse civil service credit legislation was enacted, to receive credit toward their civil service retirement for the time they served as U.S. Cadet Nurses during World War II.

I have introduced similar legislation in the past (100th and 101st Congresses). This legislation would benefit approximately 1,000 cadet nurses across the country who were not covered under Public Law 99-638.

Many nurses who had served as long, if not longer, than their counterparts who were employed by the Government as of the date of the enactment of Public Law 99-638—in many cases up to 20 and 30 years—simply happened to retire months or even days before the bill was signed into law. They should receive credit for the time they spent in the Cadet Nurse Corps just as their counterparts who were working for the Government at the time of enactment.

There is no reason why any cadet nurse, who answered the call of her country to serve in a time of need, should be denied credit for the time in service which she provided.

They deserve this retirement credit, however, not because they were patriotic, but, because they have earned it. All the women who served in the U.S. Cadet Nurse Corps provided two-thirds of this country's nursing service during World War II, a time of dire need for the United States.

This bill will finally recognize all cadet nurses who served and answered the call of their country. It is important to note that due to the advanced age of many of these nurses, this group of women is a small group getting smaller. The cost, therefore, would diminish over the outyears. I urge my colleagues to support this legislation and help me seek enactment this Congress.

I would like to highlight the service of one nurse who would benefit from my legislation as a shining example of the type of women who are cadet nurses.

Lt. Col. Melina Leduc has served her country for almost 50 years. Colonel Leduc is currently returning from service in Dhahran, Saudi Arabia, with the 386th Medical Detachment Hospital Unit. She joined the U.S. Cadet Nurse Corps during World War II, soon after her 17th birthday.

Colonel Leduc served in the Cadet Nurse Corps for 3 years, she then joined the nursing service at White River Junction Veterans [VA] Hospital in Vermont. She also served in VA hospitals in Pennsylvania and New York. She retired from the Lake City, FL VA Hospital in June 1986, after more than 37 years of service. She has been a member of the Army Reserves for 20 years.

Colonel Leduc reported working 12-hour shifts, 7 days a week in Dhahran. She cared for Iraqi POW's, in addition to American casualties. She experienced the nightly air raid alerts and interrupted surgery preparations to put on her gas mask and protective gear. She helped to care for our military personnel who were injured when a Scud missile hit the American barracks in Dhahran. The barracks was located very near her tent. And when she called the central coordinator for the cadet nurses still seeking recognition, Dorothy Larson, of Topeka, KS, to check on the status of this bill, she expressed her gratitude for the opportunity to again serve her country.

Colonel Leduc, like most of the cadet nurses after World War II, went on to serve in veterans' hospitals across the country. She exemplifies the commitment to service that

has been the standard for cadet nurses. Please join me in supporting this legislation which fairly recognizes all cadet nurses who served their country.

"AN OFTEN-FORGOTTEN TRIBUTE"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DINGELL. Mr. Speaker, in times of great upheaval, heroes are sometimes unnoticed or even persecuted. True valor must be rewarded instead of ignored.

The heroes I wish to recognize today are the Arab peoples who risked their lives for the security of the Middle East. These people, including the Arab-Americans in our Armed Forces, fought in the coalition forces with distinction, and they played an important role in our recent victory.

Unfortunately, the American people have not sufficiently recognized the contribution of our Arab soliders—the Kuwaitis, Saudis, Egyptians—and many others who endured great hardships or gave their lives to ensure Saddam Hussein's defeat. These people have been regarded with suspicion because of their Muslim heritage, which has nothing to do with their loyalty to this or any other country. In the United States, Arab-Americans have been subject to undue scrutiny or harassment. Our Middle Eastern allies in the gulf conflict were given little recognition or praise. Discrimination of this kind is shameful.

My constituency holds one of the largest populations of Arab-Americans in the country. I believe that this group and others like them are owed our deepest respect and gratitude. Often the public misinterprets the thoughts and deeds of such people.

In the March 31 edition of the Washington Post, Paul D. Wolfowitz wrote an excellent tribute to the bravery of Arab soliders and resistance fighters, and I ask that my colleagues take the time to read the article that I request be inserted in the RECORD.

[From the Washington Post, Mar. 31, 1991]

DESERT STORM—AN ARAB VICTORY

(By Paul D. Wolfowitz)

The following is excerpted from an address to the American-Arab Affairs Council in Atlanta on March 1:

There's been a lot of nonsense spoken about Saddam Hussein's being an Islamic hero. Saddam Hussein is not an Islamic hero, and he's not an Arab hero—he's an international thug, a gangster. He has tried to cast himself in the mold of Saladin and other heroes of the Arab past, but Saddam is no Saladin. Saladin was a great general, generous in victory, a patron of the arts, founder of schools and mosques, builder of public works, a man who died owning less than when he came to power, a hero recognized in East and West alike as the paragon of chivalry.

Saddam Hussein's real role model seems to be Hulagu Khan, the infamous 13th century Mongol chief who murdered prisoners of war, slaughtered women and children, plundered and burned cities, hospitals and universities—the original Butcher of Baghdad.

I know Muslims well, particularly from my time in Indonesia—I know them as humane

and peaceful people. I find it disgraceful that anyone would hold up Saddam Hussein as a Muslim leader, not just because his piety is pure propaganda, but because it is calumny to suggest that the atrocities he has inflicted on the people of Kuwait, Iran and Iraq are condoned by his religion. He may be second only to the Soviet Union in the number of Muslims anyone has killed in this century. To accept his claim to be a spokesman for Islam simply propagates the false stereotype of Islam as brutal and aggressive and intolerant.

But there are plenty of real Arab heroes of this war. I've already mentioned some of the statesmen. Many more have earned the highest honor. Some of their names are known: Fahad Ahmad Al Sabah, the Emir's brother, who was killed in action on Aug. 2 fighting for the precious minutes that enabled his government to escape to Saudi Arabia and carry on the struggle; Col. Turki Al-Firm, whose King Abdul Aziz Brigade of the Saudi National Guard dashed to the Kuwaiti frontier and faced the vast Iraqi army in those tense days when it was the only force between Saddam Hussein and Dhahran; Capt. Ayedh Al-Shamrani of the royal Saudi Air Force with his twin kill of a pair of Iraqi Mi-rages.

And Sara Al-Qabandi, a 19-year old Kuwaiti girl, who made the ultimate sacrifice for her country. Captured by Iraqi soldiers while carrying messages between resistance leaders on G-Day, Feb. 24th, she was tortured and murdered—chopped in half with an ax. Her sister later died in a Saudi hospital after being raped and unspeakably mutilated by Iraqi soldiers in reprisal for Sara's valor.

Thousands more remain unknown, including Sara's comrades in the Kuwaiti resistance, who fought the invaders for weeks after the Kuwaiti armed forces had been forced to evacuate the country and continued to attack Iraqi soldiers, equipment and facilities until the Iraqis inflicted brutal reprisals against whole neighborhoods.

We Americans owe a special debt to those brave men and women who, under threat of death, secretly fed and sheltered Americans and other foreigners trapped in Kuwait. They led Westerners through the Iraqi lines to Saudi Arabia, then went back in to get more. And up until liberation day, the resistance continued to provide valuable intelligence information to the coalition forces at great personal risk.

Many more served with the Arab forces who led the liberation of Kuwait: the pilots of the Kuwaiti Air Force's 9th and 25th squadrons, who continued flying their A-4s against the Iraqi aggressors until their base was overrun, then evacuated to Dhahran to gain their revenge in Desert Storm; the Qatari brigade that fought with such distinction alongside Col. Turki's guardsmen at Khafji; thousands of other Arab soldiers, sailors and airmen, many of whom are truly heroes to the surrendering Iraqis for personifying the finest Arab traditions of generosity and hospitality.

I would not want to omit the many Arab Americans serving with distinction as members of U.S. forces. When I visited the 1st Marine Division in October, I went to the forwardmost battalion, which was posted immediately next to a Free Kuwaiti MP unit. I asked the Marine commander if he had any trouble communicating with the Kuwaitis, and he said no—not only did some of the Kuwaitis speak English, but he had two Arabic speakers in his unit: both Arab Americans.

A last important lesson is that what we have seen this week is not an Arab defeat.

On the contrary—it is a resounding Arab victory. The Arab League roundly condemned the invasion of Kuwait. Troops from nine Arab countries, representing more than half the world's Arab population, participated in coalition operations. Arab armies and air forces performed superbly in this conflict and played a leading role in the liberation of Kuwait.

CONGRATULATIONS TO WILDEWOOD CREATIVE PRODUCTS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEHMAN of California. Mr. Speaker, I would like to rise before my colleagues today to recognize the achievements of WildeWood Creative Products, Inc., a small business in my congressional district that has been chosen as 1991 U.S. Small Business Administration's Small Business of the Year Award for the State of California. This is a tribute to the perseverance, dedication, and good old fashioned ingenuity of two people who founded this company back in 1981, Caren and Mark Eilrich.

WildeWood Creative Products, Inc., started as a way for Caren to entertain her child one day. She placed a few small beads in a clear tube, filled it with water and added a few drops of food coloring and put a cap on the tube. The space tube was born; and for Caren and Mark a simple idea evolved into a new business. By 1985, the business had incorporated and moved from their laundry room to a 2,000-square-foot warehouse. People were hired, equipment built, and full-time production of space tubes began. Tragically, Caren is not alive to accept this award with her husband; however she will be in the thoughts of many when this award is presented.

In the past 6 years, Mark, and the many hard working and invaluable employees at WildeWood Creative Products, have made this company the third largest private employer in Tuolumne County. Upon hearing that WildeWood Creative Products, was selected for the State of California Small Business of the Year Award, Mark commented that:

The single most important element of WildeWood is not our products, or our machines, but the individuals who make up WildeWood. It is central to what WildeWood represents to me.

I am pleased and honored that WildeWood Creative Products has been selected for the 1991 Small Business of the Year Award for the State of California. The success of this company is a wonderful example of how far one simple idea can go. I wish WildeWood Creative Products and Mark Eilrich continued success in the future. Congratulations.

EXTENSIONS OF REMARKS

HONORING THE NAVY-MARINE CORPS RELIEF SOCIETY VOLUNTEERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay my respect to the men and women of the Navy-Marine Corps Relief Society who, since 1904 have volunteered their time and services to assist the families of our Navy and Marine Corps personnel.

As you know, the recent call to active duty of thousands of reservists and the deployment of personnel already on active duty to the Persian Gulf, caused a significant disruption in the everyday lives of many of the men and women who made Operation Desert Storm a success. Not only were these individuals affected, but their families as well. The Navy-Marine Corps Relief Society, continuing in its tradition of service, helped to facilitate the transition these people faced.

For over 85 years the Navy-Marine Corps Relief Society has aided Navy and Marine Corps personnel in meeting everyday family needs as well as providing short-term financial assistance. In my own district, many families have benefited from the volunteers who staff the Navy-Marine Corps Relief Society at the Naval Construction Battalion Center, Port Hueneme. To these people I express my personal thanks for their time and assistance.

SUPPORT NORTHERN IRELAND PEACE TALKS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. McGRATH. Mr. Speaker, during the recent district work period, I learned of the announcement by the Government of Britain and Ireland and the political parties of Northern Ireland, that they will soon begin talks aimed at bringing peace to Northern Ireland.

The differences within the Catholic and Protestant factions of Northern Ireland have been imbedded for over 400 years. It is unrealistic to believe that the talks will produce immediate results. What is encouraging, however, is that the rival sides have taken a step in the right direction. A peace plan will undoubtedly be the key to any future promise of self-rule in Northern Ireland.

The three tiered conference is also an opportunity for Sinn Fein, the political wing of the Irish Republican Army, to exhibit an acceptance of peace. To resort to terrorism during the conference, will only lead to the breakup of the talks. Terrorism activities will halt any chance of a lasting peace in the region. Any future talks will absolutely be placed in immediate jeopardy.

Mr. Speaker, I am urging all House Members to support these promising developments in Northern Ireland and promote the call for peace and justice in the region.

A CONGRESSIONAL COMMENDATION TO THE CITY OF LONG BEACH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to recognize the city of Long Beach for their action in protecting against police misconduct. While people throughout the country have been viewing the horrendous act of police brutality that occurred against Rodney King in Los Angeles, they need only look as far as Long Beach, CA to find methods to remove this problem from their communities. Long Beach has made a concerted effort to improve police-community relations, and in doing so has provided a standard for the rest of the country to emulate. Due to the uproar in Los Angeles, and in other cities as a result of recent cases of police brutality, now is the time to encourage communities to follow Long Beach's lead in establishing a system to protect its citizens from police misconduct.

Following a nationally publicized incident in which a Long Beach police officer was videotaped seemingly pushing a motorist through a plate glass window, citizens voted to establish a Citizen Police Complaint Commission. This commission, which was approved through a vote in April 1990, is composed of 11 members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, that reside in the city of Long Beach. Each member is appointed by the mayor, and subject to confirmation by the city council. One member of this commission is appointed to represent each of the nine city council districts, and two members are appointed at large.

In addition to the 11 committee members, the city manager has appointed an independent investigator. This person has the authority to receive, administer and investigate, in conjunction with the commission, allegations of police misconduct. The investigator places emphasis on excessive force, false arrest and complaints with racial or sexual overtones. The results of these investigations are then reported to the commission.

The commission is authorized to conduct hearings into allegations of police misconduct, when such hearings, in the discretion of the commission, will facilitate the investigative process. The commission's authority includes the power to subpoena witnesses, and to produce books and papers pertinent to the investigation. This hearing process is open to the public to the extent legally possible and insofar as it does not conflict with State or Federal law.

Police brutality is an unconscionable practice, and something that obviously must be stopped. Although the graphic display of violence shown in the recent Los Angeles case is disturbing to watch, the publicity generated by this unfortunate incident exposes this all too common practice. It provides us with a perfect opportunity to take active steps to remedy this violation of an individual's constitutional protection against cruel and unusual

punishment. Now, it is time to accept that this recent case is not an aberration, and avoid sweeping this important issue under the rug.

During this time of trial, it is imperative that cities throughout the country follow Long Beach's example and establish a system to promote an understanding between the law enforcement agencies and the public. Police-community relations are vital to the proper protection and service of the public. For the sake of all involved parties, this relationship must be improved.

**A TRIBUTE TO GLEN A. JOHNSON
ON HIS SELECTION AS ILLINOIS
SMALL BUSINESS PERSON OF
THE YEAR BY THE U.S. SMALL
BUSINESS ADMINISTRATION**

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SANGMEISTER. Mr. Speaker, I rise today to give tribute to an outstanding resident of my district, Mr. Glen A. Johnson, who was recently selected as the 1991 Illinois Small Business Person of the Year by the Small Business Administration.

Mr. Johnson of New Lenox, IL, is president of Oakley Millwork in Frankfort, IL, a firm that manufactures doors, windows, trim and hardware for new home construction.

Mr. Johnson's management of the company that his father founded 35 years ago has been marked by considerable achievement. Since he became president of Oakley in 1984, the company has shown steady growth—including the opening of two new plants—despite a fall off in the housing market. The company is three times more profitable than the industry average.

However, it is not only the growth and profitability of Oakley that made Mr. Johnson an excellent choice for this honor. His innovative approach to running his business is based on some old-fashioned values—quality, service and a belief that American workers are the best in the world.

Instead of looking for ways to cut corners, Mr. Johnson's products are manufactured to standards of quality that his great-grandfather adhered to when he made similar items by hand.

Mr. Johnson also understands that even the best-built doors and windows are of no use to builders if they must wait for them to be made. Therefore, Oakley offers a remarkable guarantee: no back orders on any of the 22,000 items stocked, or the product is free.

Since the guarantee was instituted 2 years ago, Mr. Johnson's company has spent less than \$2,000 backing it up. Demonstrating the utmost confidence in his workers' ability to meet the guarantee challenge, he has promised to send his employees on a company-paid trip to Hawaii if there are no back orders in 1991.

Despite the long hours any small business person must invest in his company, Mr. Johnson is a dedicated family man. He and his wife, Cindy, have two children, Bjorn, 9, and Britta, 4. In addition to Mr. Johnson's eco-

nomie contributions to his community, he also devotes his time and energy to Cub Scouts and the youth soccer team he coaches.

Mr. Speaker, I congratulate Glen A. Johnson on being selected as the Illinois Small Business Person of the Year, an honor he has earned with his hard work and innovative thinking.

ASTRONAUTS MEMORIAL

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BACCHUS. Mr. Speaker, it is my privilege today to introduce legislation to honor the men and women who have given their lives in our Nation's exploration of space.

This joint resolution will designate the Astronauts Memorial, now being constructed at Kennedy Space Center, as the national memorial to astronauts who die in the line of duty. The memorial honors these heroes: *Challenger* crew members Francis R. "Dick" Scobee, Michael J. Smith, Ronald E. McNair, Ellison S. Onizuka, Judith A. Resnik, Gregory B. Jarvis, and S. Christa McAuliffe; *Apollo 1* crew members Virgil I. "Gus" Grissom, Edward H. White II, and Roger B. Chaffee; and T-38 training astronauts Theodore C. Freeman, Charles A. Bassett II, Elliot M. See, Jr., and Clifton C. Williams, Jr.

I am proud that this resolution is my first as a member of this House. The history of human space exploration has been written in my district at Kennedy Space Center. The residents of my district and the people of Florida take great pride in this history, and this is why they overwhelmingly supported construction of this memorial by purchasing commemorative *Challenger* license plates. They and the Astronauts Memorial Foundation, which organized this project, have made possible a memorial that is highly deserving of this recognition as a national memorial.

This Astronauts Memorial helps us remember what has come before and reminds us of the bright future that space exploration offers to our Nation and to all people. Above all, it reminds us of the risks involved in expanding the boundaries of exploration and knowledge and tells us that we must push forward despite these risks.

**MISSISSIPPI HAS LOST AN UN-
SUNG HERO—MR. SHADRACH
DAVIS, JR.**

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ESPY. Mr. Speaker, a few days before the Easter recess, I learned that Mr. Shadrach Davis, Jr., of Tchula, MS, had died at the age of 68. During his lifetime, Mr. Davis was a leader in Mississippi's civil rights movement. He was a role model for black farmers who are struggling to survive in the South. He was a devoted family man and father. He was a

life-long Christian. And perhaps most of all, he was dedicated to building a better community, a better State, and a better Nation.

In recent days, much of the Nation has watched the remarkable movie "Separate but Equal" which focuses on the work of Thurgood Marshall and the NAACP in ending the practice of separate but unequal education in the United States. Of course, Justice Marshall is now a member of the Supreme Court, and he has been recognized for his many contributions to the fight to end legal segregation in this country.

Yet, as the movie shows, there were countless other men and women of courage, laboring in the fields and in the pulpits, who were crucial to the cause of civil rights. Without their sacrifices and determination, the battles that Mr. Marshall fought in the courthouse, and Dr. Martin Luther King, Jr., Fannie Lou Hamer, Medgar Evers, and others championed in the streets, could not have been won. They are the unsung heroes of the civil rights movement, the foot soldiers during an era which changed American life like no other in our history. Sadly, many of them are leaving us now before the entire story is told.

Shadrach Davis was one of those unsung heroes. He was born in Schlater, MS, on August 12, 1922. At an early age he accepted Christ, and later moved to Tchula, MS, where he became a deacon of the Promise Land Missionary Baptist Church in Thornton, MS.

Mr. Davis was a veteran of the Armed Forces and a successful farmer in Holmes County. Since the early days of the civil rights movement, he has consistently been among those in the forefront of the struggle to bring about change in Holmes County and Mississippi. But while others may have been out front, Mr. Davis preferred to stay in the background, providing a solid rock and pillar for the movement to stand on. He never sought personal gain or glory for himself. Whenever there was a situation to be addressed, Mr. Davis could be counted on to be there.

He was among the first blacks to challenge the political exclusion in Mississippi by fighting for the right to vote. At a time when blacks faced systematic economic and physical reprisals for trying to exercise their rights as Americans, Mr. Davis was undeterred.

Those who knew him best remember Mr. Davis as a fearless man of quiet courage and selfless determination. He was thoughtful and resolute. He would often listen to others for a long time. But when he spoke he was always to the point. He also spent a lot of time trying to encourage and motivate young people to seek answers and do for themselves.

Mr. Speaker, each year our Nation loses more unsung heroes like Shadrach Davis, Jr. However, the fruits of their labor remain. Without the work of Mr. Davis and others, the changes which made it possible for me to be a Member of Congress would not have happened. But more than that, the progress we have made toward truly becoming one State and one Nation would not have occurred. His work was not in vain. Most importantly, his life has set an example for what we must do to build a brighter future.

**HOSPICE CARE, INC., CELEBRATES
10TH ANNIVERSARY**

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SHAYS. Mr. Speaker, on April 6, Hospice Care, Inc., in Stamford, Connecticut celebrated its 10th anniversary. Since 1981, it has served more than 1,200 patients and their families. Last year Hospice Care was recognized as one of the top 10 percent of hospice organizations in the country.

Hospice is a way of caring for people with terminal illnesses. But it is much more than simply making a person comfortable while living out his or her days. The focus is on living and maintaining the patient's quality of life. At a time of tremendous transition and emotional stress for the family, Hospice works with each member to ensure his or her well being.

Hospice Care provides service regardless of a patient's ability to pay. That care involves a multidisciplinary team of professionals and specially trained volunteers working together with the patient to ensure the care is effective and responsive to the patient's needs. The most important member of that team is the patient, but it also includes nurses, social workers, home health aides, dieticians and occupational, physical and speech therapists.

When the patient passes away, another team helps the family cope with its loss. This assistance actually begins before a patient dies and may continue for more than a year afterward.

Mr. Speaker, Hospice Care has provided important services to the residents of the greater Stamford, CT, area for a decade. Many challenges lie in the decade ahead. The population is aging, yet the spread of AIDS and the incidence of other terminal illnesses like cancer results in people of all ages needing hospice care. I commend all members of the hospice team, both professional and volunteer, for their good work.

**INTRODUCTION OF TOY SAFETY
AND CHILD PROTECTION ACT**

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GEJDENSON. Mr. Speaker, I rise today to reintroduce the Toy Safety and Child Protection Act. As you may recall, I first introduced this legislation in the 100th Congress and then again in the 101st Congress. Last year, this bill was included in the Consumer Product Safety Commission reauthorization legislation, which passed the House but this language was removed in conference.

The intent of this bill is to address the increasingly serious problem of child safety and

the need to increase the safety of toys sold in the United States. This legislation would require that toy manufacturers place warning labels on an especially dangerous class of toys: those containing small parts which can cause injury and even death of children by choking. This legislation would also require warning labels to state the potential hazards of the toy to young children.

According to the Consumer Product Safety Commission, between 1980 and 1989, 146 children under the age of 10 have died from choking on small toys and toys with small parts. Balloons and balloon fragments were involved in 63 of these choking deaths; 32 deaths were caused by small balls and 8 from marbles. In addition, in 1986, at least 113,000 children were treated in hospital emergency rooms for toy-related injuries. However, this figure does not even account for those children who are injured by small toys and toys with small parts but who are never treated in emergency rooms.

As a result of the introduction of similar legislation over the past several years and after years of constant pressure on the Consumer Product Safety Commission [CPSC] by Members of Congress, consumer advocates and physicians, the CPSC consented in June 1990 to begin rulemaking proceedings to evaluate the necessity to take this action to require warning labels on toys with small parts marketed for children over the age of 3, a process that may take years and, as we know from past experience, may never result in any action. I am reintroducing this legislation to ensure that the rulemaking moves forward and to ensure that swift action is taken to improve the safety of toys purchased in this country.

In 1979, the CPSC recognized the potential danger of certain toys when it issued regulations banning small toys and toys with small parts intended for children younger than 3 years of age. If a toy intended for children under age 3 could pass within a test cylinder 1.25 inches in diameter, that toy could not be marketed to those children. These regulations have prevented the senseless injury and even death of countless small children.

Toy manufacturers, however, still make thousands of toys with small parts for children over the age of 3. The Consumer Product Safety Commission currently does not require these toys to have informative labels which warn parents of the potential dangers to small children.

Though some toys do contain warning labels, these are placed there on an entirely voluntary basis. According to the CPSC, there is only one developed standard which is applicable to toys intended for children 3 to 6 years of age and which might address the risk of injury. This standard, developed by the American Society for Testing and Materials, however, has provisions intended to address a wide variety of hazards presented for a wider range of toys, some of which may be marketed for children as old as 14 years of age. It also does not include provisions which are

specifically intended to address the choking hazards of small toys and toys with small parts.

In the past, the CPSC has recommended that parents "select toys to suit the age, skill, abilities, and interests of the individual child." The CPSC acknowledges, however, that "not all toys are age-labeled or provide adequate explanations of why certain toys may be inappropriate or even hazardous for children who are younger than the recommended ages." Unfortunately, the CPSC has failed to take regulatory action to require toy manufacturers to place informative labels on their products.

Furthermore, those manufacturers that include warning labels on their products may be failing to adequately phrase the warning, or give sufficient information to allow parents to make an informed decision. In an informal poll of parents buying toys, researchers found that most parents think that toy warning labels have to do with educational levels rather than the toy's safety. Many parents indicated a willingness to buy toys marked "recommended for children ages 3 and up" for their child who was under age 3 because they believed that their child was smarter than the average or could "grow into the toy."

However, when parents were informed that the label actually referred to the safety of the toy, not a single parent was willing to purchase that toy for their child.

The Toy Safety and Child Protection Act will resolve this problem not only by requiring all toys with small parts to contain a warning label to include the word "warning" in capital letters, but it must also contain a description of the potential hazard which could result. Though the standards would be developed by the Consumer Product Safety Commission, a likely possibility for the label could be: "warning, this toy contains small parts—use of this toy by a child under 3 years of age may cause choking."

Mr. Speaker, I urge my colleagues with small children and grandchildren to take a trip to the toy store. I urge you to look closely at some of the toys and their labels. You may see, for example, a paint set, currently available at some stores, which includes a minute brush which fails the small parts test and could easily be swallowed. This toy has no label.

There is nothing more important to a parent than being provided with complete and accurate information about the potential dangers of a toy. Nearly all these choking deaths and injuries from small toys parts are preventable. The "Toy Safety and Child Protection Act, will resolve this tragic problem by requiring all toys with small parts to have appropriate warning labels. Parents have a right to know which toys contain small parts and what danger small parts can present. At no cost to the taxpayers, enactment of this legislation could prevent the senseless death and injury of countless children.